

95 00626  
v. 3

R10114.00

**FINAL ENVIRONMENTAL IMPACT REPORT**

SCH #90020776

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**MOUNTAIN HOUSE**

**NEW TOWN GENERAL PLAN AMENDMENT**

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**Volume III of III  
Responses to Comments**

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**March 1992**







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## FINAL ENVIRONMENTAL IMPACT REPORT

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# MOUNTAIN HOUSE NEW TOWN GENERAL PLAN AMENDMENT

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March 1992

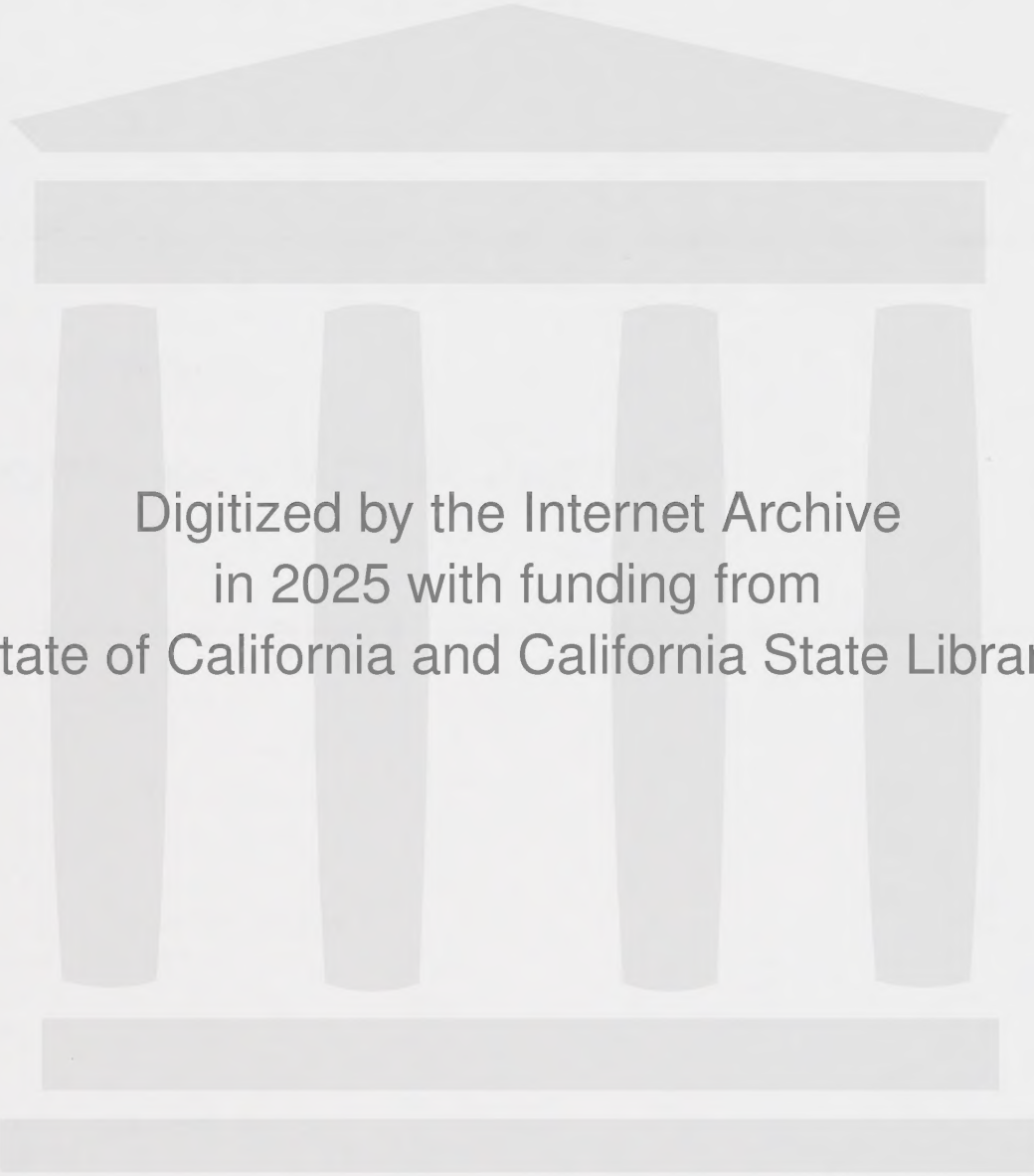
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Comment Number

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## 1A. INTRODUCTION

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The Final EIR contains both the Responses to Comments on the Draft Environmental Impact Report (DEIR) for the Mountain House New Town General Plan Amendment and a full copy of the DEIR. Comment letters and responses to comments are contained in Volume III. Any changes to the text of the original DEIR are shown by underlining for new text and a delete mark (-) for any text removed.

A public hearing on the DEIR was held on 16 January 1992 by the San Joaquin Planning Commission. A summary of oral comments made at this hearing is provided in the "E" section of the comments. Individual comments, both written and oral, are numbered and followed by responses which have corresponding numbers to the comments. Only those comments addressing environmental issues and the DEIR, rather than the project itself, have received a response.

A complete list of commentors and corresponding comment numbers are shown in Section 2A. The comment letters have been divided into the following four categories: 1) Federal agencies; 2) State agencies; 3) local agencies; and 4) members of the public, private companies, and citizens groups.

A change in terminology has occurred since publication of the DEIR. As a result of action by the Board of Supervisors on December 5, 1991, the Specific Plan process for a new town or new community has been further refined. The earlier Specific Plan process is now composed of three sets of detailed plans: 1) a **Public Services and Facilities Plan**, 2) a **Public Financing Plan**, and 3) one or more **Specific Plans**. This process was modified so that the County could be assured that detailed, community-wide planning be completed on public services, facilities, and financing; but allow project proponents to phase their Specific Plans according to phasing and/or ownership considerations. Both of the community-wide plans must be approved concurrent with or before the first Specific Plan.

The reader should be aware that references to the required **Specific Plan** process contained in the EIR have not been revised to reflect which of these three subsequent plans may be required for any specific mitigation measure, since there may be overlap in many instances. Rather, the reader is advised that wherever the words "specific plan" are used, it is in fact, referring to one, two, or all three of the required subsequent plans listed above.





## 2A. COMMENT LETTERS

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### Commentor

### Comment Numbers

#### Federal Agencies

National Park Service, Western Regional Office	A1
U.S. Department of the Interior, Fish and Wildlife Service	A2 - A4
U.S. Department of the Interior, Bureau of Reclamation	A5 - A7
U.S. Department of the Army, Corps of Engineers	A8 - A9

#### State Agencies

California Regional Water Quality Control Board - Central Valley Region	B1
California Department of Health Services, Office of Drinking Water	B2
California Department of Conservation	B3 - B5
California Department of Fish and Game	B6 - B16
California State Lands Commission	B17

#### Local Agencies and District Offices of State Agencies

Tracy Rural County Fire Protection District	C1
San Joaquin County Public Health Services	C2 - C14
East Bay Municipal Utility District	C15
Metropolitan Transportation Commission	C16 - C20
San Joaquin County Department of Public Works, Public Transportation	C21 - C23
SJC Department of Public Works, Environmental Coordinator	C24 - C43
Alameda County Congestion Management Agency	C44 - C46
Caltrans, District 10, Stockton (1/30/92 letter)	C47 - C93
Caltrans, District 10, 1/30/92 FAX	C94 - C100
Alameda County, Public Works Agency	C101 - C113
Contra Costa County Public Works Department	C114 - C121
San Joaquin County Department of Parks and Recreation	C122 - C123
Alameda County Planning Department	C124 - C130
Contra Costa County Community Development Department	C131 - C152
San Joaquin County Air Pollution Control District	C153 - C162
Tracy Public Schools	C163 - C178
San Joaquin Farm Bureau Federation	C179 - C208
Los Vaqueros (sponsored by Contra Costa Water District)	C209



Local Agencies - continued

Contra Costa County Airport Land Use Commission	C210 - C211
San Joaquin County Local Agency Formation Commission (LAFCO)	C212 - C217
Local Agency Formation Commission (LAFCO) of Contra Costa County	C218 - C223
San Joaquin County Council of Governments	C224 - C243
City of Tracy	C244 - C333
Byron-Bethany Irrigation District	C334 - C337
Caltrans, District 4	C338 - C344
Lammersville Elementary School District	C345
City of Modesto Planning and Community Development Department	C346 - C350

Members of the Public, Private Companies, and Citizens Groups

George Cardinet	D1
Southern Pacific Transportation Company	D2 - D4
Michael J. Barkley	D5
Georgiana Reickert	D6
Emmet Chalk	D7 - D19
Robert M. Lyman, Member, Old River Improvement Association	D20 - D29
Bobbie Landers, Member, Old River Improvement Assoc. (1/29/92)	D30 - D48
Bobbie Landers, Member, Old River Improvement Assoc. (1/29/92)	D49 - D51
Wickland Properties	D52 - D55
Raymond A. Andresen	D56 - D58
San Joaquin Audubon Society (1/21/92)	D59 - D64
San Joaquin Audubon Society (1/29/92)	D65 - D70
Charles Spatafore	D71 - D75
Ted C. Fairfield	D76 - D85
Harry M. Nichandros, Pacific Bridge Company	D86 - D89
Land Utilization Alliance	D90 - D97
Pacific Gas and Electric Company	D98 - D120
Steve Stocking, Conservation Co-Chair, Delta Chapter of Sierra Club	D121 - D129
Plumbers and Steamfitters UA Local 492 and Northern California/Northern Nevada Pipe Trades District Council 51	D130 - D193
George Poet	D194
Trimark Communities	D195 - D435

<u>Draft EIR Public Hearing/Planning Commission Minutes</u>	E1 - D58
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COMMENT LETTERS  
FEDERAL AGENCIES

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National Park Service - Western Regional Office  
Division of Planning, Grants & Environmental Quality

1/13

Kitty Walker -

Per George Cardinet's request,  
attached is a copy of De Anza trail  
Feasibility study.

The route map for your area,  
Map 14, shows the historic route  
remaining west of SJ County. The  
diaries of Font & Anza seem to  
suggest the route extended further  
east, to Bethany, before going west  
and south. Not very definitive.

1992

Dan Gibson





## **The De Anza Trail**

The Juan Bautista de Anza National Historic Trail was authorized in August, 1990. It is one of only seven such trails in the country. Other national historic trails in the west include the Lewis and Clark, Oregon, Mormon, and Santa Fe Trails.

### **The Historical Event**

The De Anza Trail is the route taken by Juan Bautista de Anza in 1775-76, when he led a contingent of colonists from what is now Mexico across deserts and mountains to found a colony for Spain at San Francisco.

The expedition included 240 people and over 1000 head of stock.

### **The National Historic Trail Concept**

National historic trails combine recreation and historic interpretation. The historic phenomena along the route are linked by trail and roadway marking and by maps and brochures. The marking makes it possible for persons with an intense interest in the trail to follow it from end to end. It also makes information on the trail and related historic events available to persons with a more casual interest when they happen to cross the alignment.

National historic trails, unlike national scenic trails, are not continuous recreation trails. However, most of the authorized trails do have at least some segments available for recreational trail use. In the case of De Anza, trail proponents have expressed a strong desire for extended trails for retracement.

### **Management of the Trail**

The Park Service role is primarily one of coordinator for the project rather than land manager. National historic trails require the participation of interested individuals and private organizations as well as all levels of government.

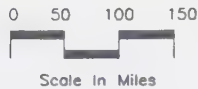
### **Planning For the De Anza Trail**

*February, 1992*

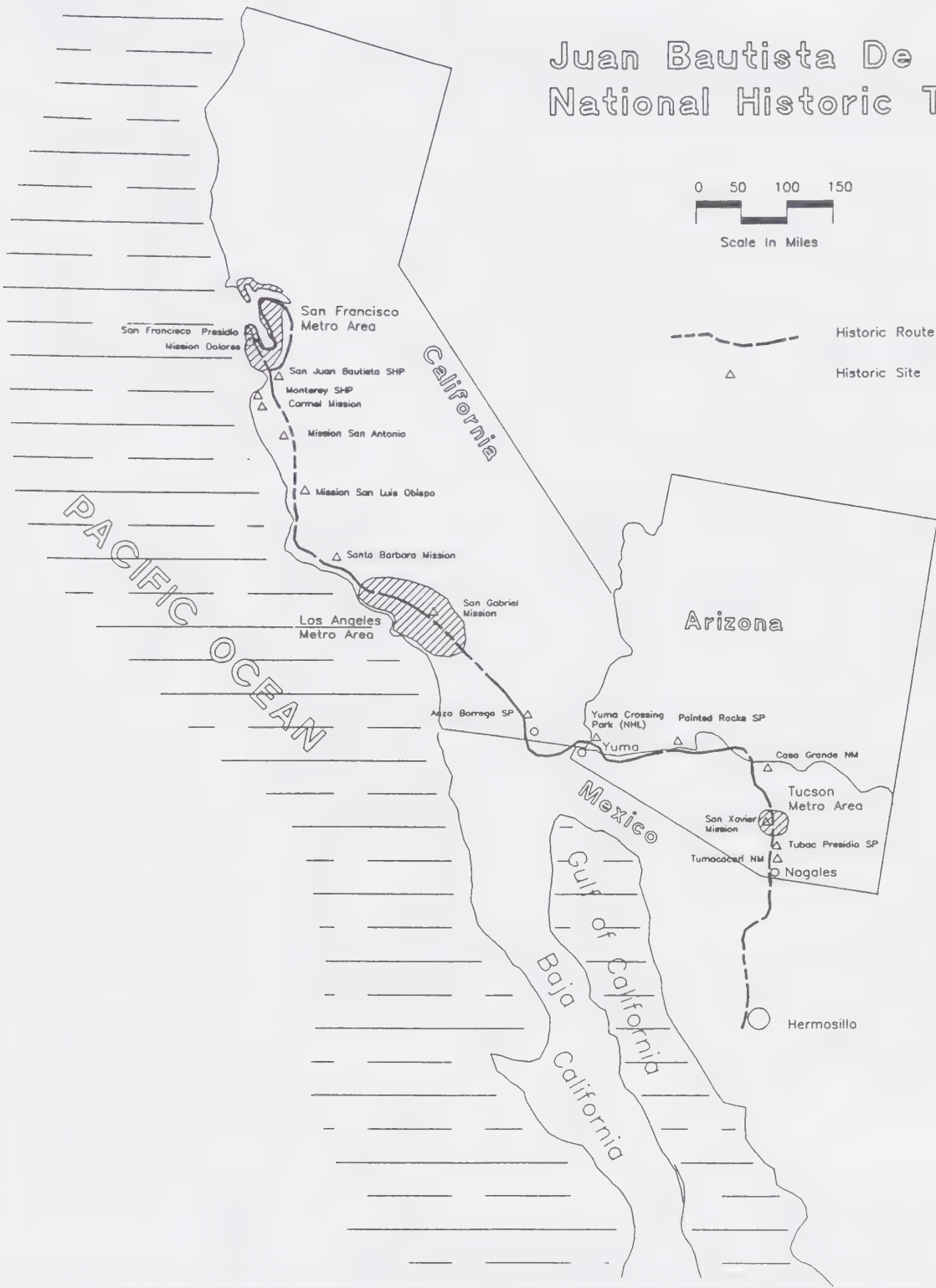
The Park Service will begin preparation of a comprehensive plan for the trail route in ~~October, 1991~~. This plan will identify key resources, assign responsibilities, and establish procedures for a cooperative program. It will involve close coordination with other federal, state, local, and private organizations. Persons interested in either participating in the planning effort, or in being kept informed of the planning effort, should contact:

Division of Planning, Grants, and Environmental Quality  
National Park Service  
600 Harrison St., Ste. 600  
San Francisco, Ca. 94107-1372  
(415) 744-3968

# Juan Bautista De Anza National Historic Trail



--- Historic Route  
△ Historic Site





Public Law 101-365  
101st Congress

An Act

To amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail, and for other purposes.

Aug. 15, 1990  
[H.R. 1159]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Juan Bautista de Anza National Historic Trail Act”.

SEC. 2. JUAN BAUTISTA DE ANZA NATIONAL HISTORIC TRAIL.

(a) DESIGNATION.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end thereof the following:

“(17) The Juan Bautista de Anza National Historic Trail, a trail comprising the overland route traveled by Captain Juan Bautista de Anza of Spain during the years 1775 and 1776 from Sonora, Mexico, to the vicinity of San Francisco, California, of approximately 1,200 miles through Arizona and California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) entitled ‘Juan Bautista de Anza National Trail Study, Feasibility Study and Environmental Assessment’ and dated August 1986. A map generally depicting the trail shall be on file and available for public inspection in the Office of the Director of the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Juan Bautista de Anza National Historic Trail without the consent of the owner thereof. In implementing this paragraph, the Secretary shall encourage volunteer trail groups to participate in the development and maintenance of the trail.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 10(c)(2) of the National Trails System Act (16 U.S.C. 1249(c)) is amended by striking the first sentence and inserting: “Except as otherwise provided in this Act, there is authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by section 5(a).”.

Approved August 15, 1990.

LEGISLATIVE HISTORY—H.R. 1159:

HOUSE REPORTS: No. 101-412 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 101-290 (Comm. on Energy and Natural Resources).

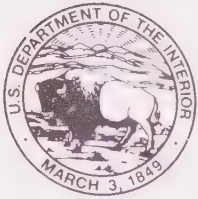
CONGRESSIONAL RECORD, Vol. 136 (1990):

Mar. 6, considered and passed House.

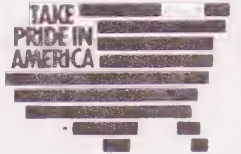
May 22; considered and passed Senate, amended.

Aug. 1, House concurred in Senate amendment.

Juan Bautista de Anza National Historic Trail Act.  
Mexico.  
California.  
Arizona.  
16 USC 1241  
note.



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Fish and Wildlife Enhancement  
Sacramento Field Office  
2800 Cottage Way, Room E-1803  
Sacramento, California 95825-1846

In Reply Refer To:

1-1-92-TA-260

January 30, 1992

Chet Davisson  
San Joaquin County Community Development Department  
1810 E. Hazelton Avenue  
Stockton, California 95205-6232  
ATTN: Kitty Walker

1 144

Dear Mr. Davisson:

We have reviewed the Draft Environmental Impact Report for the Mountain House New Town General Plan Amendment dated December 1991. This proposal is to develop 4,677 acres in western San Joaquin County. The project would eliminate 4,270 acres of agricultural and natural wildlife habitats. Approximately 1,500 acres between Byron Road and Old River would be set aside as an agricultural preserve to be enhanced and managed for Swainson's Hawk and other sensitive species.

**Endangered Species.** The document presents evidence that the project site is occupied by the endangered San Joaquin kit fox (*Vulpes macrotis mutica*). Therefore, the proposed development would likely result in "take" of this federally protected species. Section 9 of the Endangered Species Act of 1973, and its implementing regulations, prohibit the "take" of a federally listed wildlife species. Take is defined by the Act "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such wildlife species. Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR § 17.3).

A2

Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of this project, then initiation of formal consultation between that agency and the Service pursuant to Section 7 of the Act is required if it is determined that the proposed project may affect a federally listed species. Such consultation would result in a biological opinion that addresses anticipated effects of the project to listed and proposed species and may authorize a limited level of incidental take. If a Federal agency is not involved with the project, and federally listed species may be taken as part of the project, then an "incidental take" permit pursuant to Section 10(a) of the Act should be obtained. The Service may issue such a permit upon completion by the permit applicant of a satisfactory conservation plan for the listed species that would be affected by the project.

For either authorization procedure, a mitigation plan must be developed to avoid, minimize, and compensate effects the project may have on the San Joaquin kit fox. The environmental document should include such a plan to enable review of the overall effects of the project on this federally listed species. To develop an adequate plan, you may wish to conduct a study to assess the use by kit foxes of the various habitat types on site. We recommend that you develop a study proposal for our review that samples all habitat types adequately to assess their use by the San Joaquin kit fox. Photo stations should be employed in addition to the typical techniques of ground searches, track stations, and spotlighting. Multiple surveys during the period of April through September are recommended. Because this species is also listed by the state, the Department of Fish and Game should also be consulted.

**Proposed and Candidate Species.** We recommend that effects on candidate species, and especially proposed species, be addressed in this document because they may become listed prior to conclusion of this project. A list of these species that may occur in the project area is attached (Attachment A).

The giant garter snake (*Thamnophis gigas*) was recently proposed for listing with endangered status (Federal Register 56 (249): 67046 - 67053, December 27, 1991). The current range extends south of Stockton to the Grasslands district of Merced County and the Mendota area of Fresno County. Therefore, this project is within the range of this species. The giant garter snake inhabits sloughs, ponds, small lakes, low gradient streams, and other waterways such as irrigation and drainage canals. We believe such habitats occur on site and recommend that surveys should be conducted for the giant garter snake.

The development also may adversely affect the delta smelt, proposed for listing as a threatened species. This and the candidate fish species included on the attached list reside in the Sacramento-San Joaquin Delta. Delta fish have been adversely affected by degraded water quality and loss of aquatic habitat. The proposed development would likely require a water supply and waste water treatment facilities. We recommend that the environmental document address water supply development on the proposed threatened delta smelt and candidate fish inhabiting the Sacramento-San Joaquin Delta. We also recommend that the effects of waste water treatment facilities and urban runoff be addressed.

**Wetlands and Other Aquatic Resources:** Under the Fish and Wildlife Coordination Act, the Fish and Wildlife Service advises the U.S. Army Corps of Engineers on projects involving dredge and fill activities in waters of the United States, of which wetlands and some riparian habitats are subcategories. Because portions of this proposal may ultimately require a Corps permit, we suggest, if you have not already done so, that you consult the Corps of Engineers regarding onsite wetlands and related habitats that may fall under their jurisdiction. This information should be included in the environmental document.

Over 90 percent of California's wetlands have been lost due to past agricultural conversion, urban development, and flood control activities. Wetland habitat provides important resting, feeding, and nesting habitat for



many species of birds including migratory waterfowl and shorebirds. Because of the value of wetland habitat to migratory birds and the scarcity of this habitat, the Service recommends there be no net loss of in-kind habitat values or acres, whichever is greater.

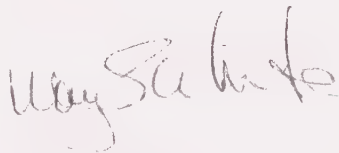
The Fish and Wildlife Service encourages all efforts to protect, improve and restore fish, wildlife and naturally functioning aquatic and wetland ecosystems of our Nation. Because of our interest in the biological integrity of our Nation's waters, we generally recommend against a project when its construction would result in the destruction of wetland habitat values and is not water dependent.

The Council of Environmental Quality regulations for implementing the National Environmental Policy Act define mitigation to include: 1) avoiding the impact; 2) minimizing the impact; 3) rectifying the impact; 4) reducing or eliminating the impact over time; and 5) compensating for impacts. The Service supports and adopts this definition of mitigation and considers the specific elements to represent the desirable sequence of steps in the mitigation planning process. Accordingly, we maintain that the best way to mitigate for adverse biological impacts is to avoid them altogether.

When projects impacting waterways or wetlands are deemed acceptable to the Service, full mitigation is recommended for any fish and wildlife value losses shown to be unavoidable. However, as directed by Section 404(b)(1) of the Clean Water Act, the project proponent must first demonstrate that there are no other less damaging, practicable alternatives to the proposed project that would achieve the basic project purpose.

For any questions concerning this response, please contact Laurie Stuart Simons at (916) 978-4866.

Sincerely,



Wayne S. White  
Field Supervisor

Attachment

cc: Regional Director (AFWE), FWS, Portland, OR  
Dave Zezulak, Department of Fish and Game, Region II,  
Rancho Cordova, CA  
Larry Eng, Department of Fish and Game, Sacramento, CA

ENCLOSURE A

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND  
CANDIDATE SPECIES THAT MAY OCCUR IN THE AREA OF THE PROPOSED  
MOUNTAIN HOUSE, SAN JOAQUIN COUNTY, CALIFORNIA  
(1-1-92-TA-260, JANUARY 23, 1992)

Listed Species

**Mammals**

San Joaquin kit fox, *Vulpes macrotis mutica* (E)

**Invertebrates**

valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T)

Proposed Species

**Fish**

delta smelt, *Hypomesus transpacificus* (PT)

**Reptiles**

giant garter snake, *Thamnophis gigas* (PE)

Candidate Species

**Fish**

Sacramento splittail, *Pogonichthys macrolepidotus* (2)

green sturgeon, *Acipenser medirostris* (2R)

hardhead, *Mylopharodon conocephalus* (2R)

Sacramento blackfish, *Orthodon microlepidotus* (2R)

Sacramento perch (native population), *Archoplites interruptus* (2)

**Amphibians**

California tiger salamander, *Ambystoma tigrinum californiense* (2)

California red-legged frog, *Rana aurora draytonii* (1)

foothill yellow-legged frog, *Rana boylei* (2)

western spadefoot toad, *Scaphiopus hammondi hammondi*

**Reptiles**

northwestern pond turtle, *Clemmys marmorata marmorata* (2)

**Birds**

tricolored blackbird, *Agelaius tricolor* (2)

mountain plover, *Charadrius montanus* (2)

**Mammals**

Pacific western big-eared bat, *Plecotus townsendii townsendii* (2)

greater western mastiff-bat, *Eumops perotis californicus* (2)

San Joaquin Valley woodrat, *Neotoma fuscipes riparia* (1)

(ENCLOSURE A, Mountain House, continued)

### Invertebrates

vernal pool fairy shrimp, *Branchinecta lynchi* (1)  
California linderiella, *Linderiella occidentalis* (1)  
vernal pool tadpole shrimp, *Lepidurus packardii* (1)  
Sacramento Valley rain beetle, *Pleocoma hirticollis hirticollis* (2R)  
Ciervo aegialian scarab beetle, *Aegialia concinna* (1)  
San Joaquin dune beetle, *Coelus gracilis* (1)

### Plants

Ione manzanita, *Arctostaphylos uva-ursi* ssp. *myrtifolia* (1)  
slough thistle, *Cirsium crassicaule* (2)  
Ione buckwheat, *Eriogonum apricum* var. *apricum* (1)  
Irish Hill buckwheat, *Eriogonum apricum* var. *prostratum* (1)  
Contra Costa buckwheat, *Eriogonum truncatum* (2\*)  
delta coyote-thistle, *Eryngium racemosum* (2)  
diamond-petaled poppy, *Eschscholzia rhombipetala* (2)  
Amador rush-rose, *Helianthemum suffrutescens* (2)  
California hibiscus, *Hibiscus californicus* (2)  
Parry's horkelia, *Horkelia parryi* (2)  
delta tule-pea, *Lathyrus jepsonii* ssp. *jepsonii* (2)  
legenere, *Legenere limosa* (2)  
Mason's lilaeopsis, *Lilaeopsis masonii* (2)  
Sacramento orcutt grass, *Orcuttia viscida* (1)  
showy Indian clover, *Trifolium amoenum* (2\*)  
caper-fruited tropidocarpum, *Tropidocarpum capparideum* (2\*)  
Greene's orcutt grass, *Tuctoria greenei* (1)

(E)--Endangered      (T)--Threatened      (CH)--Critical Habitat

(1)--Category 1: Taxa for which the Fish and Wildlife Service has sufficient biological information to support a proposal to list as endangered or threatened.

(2)--Category 2: Taxa for which existing information indicated may warrant listing, but for which substantial biological information to support a proposed rule is lacking.

(1R)-Recommended for Category 1 status.

(2R)-Recommended for Category 2 status.

(•)--Listing petitioned

(\*)--Possibly extinct.





# United States Department of the Interior

## BUREAU OF RECLAMATION

Mid-Pacific Region

Tracy Office (CVP)

Route 1 Box 35

Byron, California 94514-9614



IN REPLY  
REFER TO:

TO-444  
LND-2.00

JAN 11 1992

Kitty Walker, Senior Planner  
San Joaquin County Department of  
Planning and Building Inspection  
1810 E. Hazelton Avenue  
Stockton CA 95205

Subject: Notice of Preparation Environmental Impact Report -- Mountain House  
New Town -- San Joaquin County -- Delta-Mendota Canal -- Central  
Valley Project (CVP) CA (Draft Environmental Impact Report) (Your  
Letter Dated December 13, 1991)

Dear Ms. Walker:

The Bureau of Reclamation (Reclamation) has reviewed the Draft Environmental Impact Report (DEIR) prepared for the proposed Mountain House New Town General Plan Amendment. At this time Reclamation would like to reiterate our previous position on the proposed project and address the issue of water availability.

The Delta-Mendota Canal (DMC) may constitute an attraction to the many new residents of the proposed project, therefore suitable fencing is required as a deterrent to pedestrian, equestrian, and bicycle traffic to prevent access to the DMC right-of-way. Our primary concerns are to prevent accidents or unauthorized trespass and to ensure public safety. Our preference is a fence or wall that would prohibit the easy installation of gates. The Bureau prefers a 7 foot high, 9 gauge wire galvanized chain link fence. (Drawings of Standard Fencing Requirements are enclosed).

Reclamation's intake structure for transport of water through the DMC is located on the Old River at the Northwest corner of the proposed development. The Canal is being used to provide municipal/industrial/irrigation water for portions of San Joaquin, Alameda, Stanislaus, Merced, Fresno, Kings, Santa Clara, San Benito, Monterey and Santa Cruz Counties. Any proposed discharge of treated wastewater and storm water runoff from residential/commercial/industrial development into Old River is unacceptable to the Bureau. The quality of water in the DMC may be compromised due to operational errors at sewage treatment facilities and/or uncontrolled releases of inadequately treated sewage effluent. Also, urban surface runoff will contain certain pollutants. As municipal entities draw their water from the DMC, there must be assurances that pollutants and/or water borne disease will not enter the DMC. Should the DMC become contaminated from an unknown source, Reclamation could be liable. More and more emphasis is being placed on Reclamation to ensure water quality in the DMC.

A5

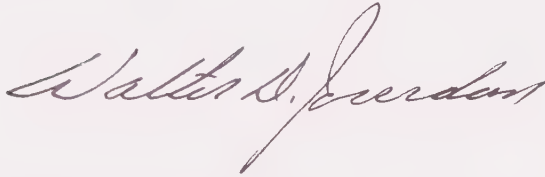
A6

Again, Reclamation strongly objects to any drainage into the Old River. The water quality must remain at its current level.

Finally, in reference to water availability from the Bureau, our supply is already committed to existing contractors so there will be no additional water available for the proposed project.

If you have any questions, please contact Sharon Peetz of my staff at (209) 836-6238.

Sincerely,

A handwritten signature in cursive script, reading "Walter D. Jourdan". The signature is written in dark ink and is positioned above the typed name.

Walter D. Jourdan  
Project Superintendent

Enclosure



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922

February 4, 1992

Regulatory Section (9200071) (IGI)

San Joaquin County  
Community Development Department  
Attn: Ms. Kitty Walker, Planning Dept.  
1810 E. Hazelton Ave.  
Stockton, California 95205-6232

Dear Ms. Walker:

I am responding to the Draft Environmental Impact Report for Mountain House New Town General Plan Amendment SCH #90020776.

The Corps of Engineers jurisdiction within the study areas is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, the following: perennial and intermittent streams, lakes, ponds, as well as wetlands in marshes, wet meadows, and side hill seeps. Project features that would occur from development within the study areas that result in the discharge of fill material into waters of the United States will require Department of the Army authorization prior to initiating work.

The range of alternatives considered in an EIR should include alternatives to fill in wetlands or other waters of the United States within the study area. Every effort should be made to avoid project features which require the discharge of fill into waters of the United States. In the event that it can be clearly demonstrated that there are no practicable alternatives to filling in waters of the United States, mitigation plans should be developed to compensate for the losses resulting from project development.

The Corps of Engineers contact for this area is Ms. Kathy Norton, Project Manager, in our Regulatory Section. She may be reached at the letterhead address, fourteenth floor, or by telephone at (916)557-5260. We appreciate having the opportunity to be included in your review process.

Sincerely,

*Tom Coe*

Tom Coe  
Chief, Regulatory Unit 1



COMMENT LETTERS  
STATE AGENCIES

---



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—  
CENTRAL VALLEY REGION

3443 ROUTIER ROAD, SUITE A  
SACRAMENTO, CA 95827-3098  
PHONE: (916) 361-5600  
FAX: (916) 361-5686



RECEIVED  
DEC 23 1991

COMMUNITY DEVELOPMENT DEPT.  
PLANNING DIVISION

20 December 1991

Ms. Kitty Walker, Senior Planner  
Community Development Department  
San Joaquin County  
1810 E. Hazelton Avenue  
Stockton, CA 95205

**DEIR, MOUNTAIN HOUSE (SCH NO. 90020776), SAN JOAQUIN COUNTY**

Thank you for the opportunity to review the subject document. Our comments are as follows.

Page 4.4-22 states "[t]he estimated impacts on Old River are identified in Section 4.7 of this DEIR." This statement is made in reference to the discharge of treated wastewater to Old River. No discussion of the water quality impacts of such a discharge or any treated wastewater discharge are to be found in Section 4.7. This is unacceptable. The Environmental Impact Report should be considered incomplete without such information.

A detailed analysis of the water quality impacts of a discharge are necessary before appropriate discharge requirements can be developed. Many of the requirements in permits are water quality based. Thus before requirements may be developed, site specific information about the receiving water, discharge and the effect of the discharge are needed. Any information or analyses not provided in the Environmental Impact Report will be required as part of the application and prior to the development of any draft requirements.

If you have any questions, please contact me at (916)361-5627.

*F. Wayne Pierson*

F. WAYNE PIERSON  
Senior Engineer

FWP:mdm

cc: Mr. Russ Collian, State Clearinghouse, Sacramento

B1



## DEPARTMENT OF HEALTH SERVICES

OFFICE OF DRINKING WATER

8455 JACKSON ROAD, SUITE 120

SACRAMENTO, CA 95826

(916) 739-4034

RECEIVED

JAN - 6 1992

COMMUNITY DEVELOPMENT DEPT.  
PLANNING DIVISION

December 27, 1991

Ms. Kitty Walker, Senior Planner  
San Joaquin County Department of Planning and Building  
Inspection  
1810 E. Hazels Avenue  
Stockton, CA 95295

Subject: Draft Environmental Impact Report  
SCH #90020776  
Mountain House  
New Town General Plan Amendment

Dear Ms. Walker:

The above subject report correctly identifies potable water supply problems for the Mountain House Development however, the reports refers the reader to the California Department of Toxic Substances Control for the permitting process for the potable water systems. The correct Department is the Department of Health Services, Office of Drinking Water.

We appreciate receiving this report.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. L. Ellsworth".

Albert L. Ellsworth, P.E., Chief  
Northern California Section  
Office of Drinking Water

B2

## Memorandum

To : Mr. Douglas P. Wheeler  
Secretary for Resources

Ms. Kitty Walker  
San Joaquin County  
Community Development Dept.  
1810 E. Hazelton  
Stockton, CA 95205

From : Department of Conservation—Office of the Director

RECEIVED  
JAN 21 1992  
CLERK OF COURSE

Date : January 21, 1992

Subject: Draft Environmental  
Impact Report (DEIR)  
for the Mountain  
House New Town GPA  
SCH #90020776

The Department of Conservation has reviewed San Joaquin County's project referenced above. Mountain House New Town is proposed as an entirely new community on 4,667 acres of agricultural land in western San Joaquin County. Approximately 3,600 acres of the site are mapped as Prime Farmland by the Department of Conservation's Farmland Mapping Program, and an additional 369 acres are designated as Unique Farmland. A variety of crops have been grown within the project area including alfalfa, corn, sugar beets, dry beans and grains. A total of 3,243 acres of the project site is currently enrolled in Williamson Act contracts. Of this total, notices of Nonrenewal have been filed on 2,919 acres, representing 17 parcels. These contracts are due to expire in December 1997 and 1998. The project's proponent has asked that the County approve a change to the County's Williamson Act ordinance deleting the requirement that the time required to process a Specific Plan proposal exceeds the time remaining on the contract. If this policy is deleted, contracts would not have to be canceled prior to submittal of the Specific Plan. B3

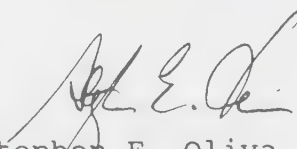
The Department is responsible for monitoring farmland conversion on a statewide basis and also administers the California Land Conservation (Williamson) Act. While the DEIR addresses most of the issues regarding prime agricultural and Williamson Act land, the Department offers the following comments regarding possible cancellation of existing Williamson Act contracts.

The Williamson Act is "a legislative effort to maximize the preservation of agricultural land and discourage the premature conversion of such land to urban use." (County of Orange v. Cory (1979) 97 Cal.App.3d 760. As a general rule, lands can be withdrawn from the Williamson Act only through the nine year process of non-renewal. Cancellation is reserved for unusual, "emergency" situations. (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-853.) Cancellations must be based on specific findings that are supported by substantial evidence. B4

Mr. Wheeler and Ms. Walker  
January 21, 1992  
Page Two

The California Supreme Court has stated that cancellation is not appropriate where the objectives served by cancellation could be served by nonrenewal. (Sierra Club, at 855.) The Final Environmental Impact Report (FEIR) should therefore evaluate the nine-year nonrenewal process as the legally preferred alternative for removing the land from its current restricted status. Hence, approval of a specific development plan by the San Joaquin Board of Supervisors requiring cancellation of an Agricultural Preserve Contract (4.1-15) does not appear to conform to the standards identified by Sierra Club v. City of Hayward. For these reasons, therefore, the Department of Conservation recommends that the Williamson Act contracts still in effect within the proposed project area be terminated by the nonrenewal process, which is currently underway. Completion of the nonrenewal process will occur in December 1997 and 1998.

The Department appreciates the opportunity to comment on the Draft Environmental Impact Report. We hope that the farmland conversion impacts and the Williamson Act contract impacts are given adequate consideration in the Final Environmental Impact Report. If I can be of further assistance, please feel free to call me at (916) 445-8733.

  
Stephen E. Oliva  
Environmental Program Coordinator

cc: Kenneth E. Trott, Manager  
Office of Land Conservation

San Joaquin County Resource Conservation District





## DEPARTMENT OF FISH AND GAME

1416 NINTH STREET

P.O. BOX 944209

SACRAMENTO, CA 94244-2090

(916) 653-7664

January 29, 1992

Ms. Kitty Walker  
San Joaquin County Planning Department  
1810 East Hazelton Avenue  
Stockton, California 95205

Dear Ms. Walker:

Draft Environmental Impact Report (EIR) for the  
Proposed Mountain House New Town Project,  
San Joaquin County (SCH 90020776)

The Department of Fish and Game (DFG) has reviewed the Draft EIR for the Mountain House project. The project is located in western San Joaquin County near the town of Tracy. The project is bounded on the north by Old River, on the west by the San Joaquin/Alameda County line, on the south by Highway 205, and on the east by Patterson Pass Road.

The project consists of a plan to create a "New Town" on 4,667 acres in western San Joaquin County. The project will require a General Plan Amendment and cancellation of Williamson Act contracts on 3,243 acres of farmland. The proposed project would result in the construction of 16,003 residential units on 2,398 acres including 275 acres of commercial development, 427 acres of industrial development, 333 acres of institutional uses, 484 acres of infrastructure, and 750 acres of recreational development.

Wildlife habitat conditions consist of a large area of agricultural land which abuts Old River on the north and annual grasslands to the west. Habitat within the agricultural lands consist of alfalfa, pasture, and rowcrops. Natural or naturalized habitats include riparian habitat along Mountain House Creek and Old River, scattered wetlands, and groves of trees both natives and exotic.

We find that the Draft EIR fails to adequately discuss and provide mitigation in a number of specific areas listed below. In addition, we find that this project will result in an unavoidable and irreversible loss of large acreage of wildlife habitat. Necessary mitigation is not proposed for this loss. Decision makers must address this issue when taking action on projects of this magnitude. Based on the information provided in the Draft EIR, we recommend adoption of the no-project alternative. Following are our specific concerns regarding the Draft EIR's deficiencies:

B6

1. The DFG has determined that the proposed project will result in the loss of foraging habitat essential to the State-listed threatened Swainson's hawk. Fish and Game Code (FGC) Section 2080 prohibits the "take" of threatened or endangered species including the take of essential habitat. The DFG can allow the take of a threatened or endangered species pursuant to FGC 2081 provided that the project proponent has secured an Endangered Species Management Permit and Management Agreement (2081 Permit/Agreement). A 2081 Permit/Agreement must ensure adequate compensation for any approved take and must result in an overall net benefit to the listed species.
2. The Draft EIR fails to adequately identify impacts to the Swainson's hawk. Information for the Swainson's hawk was obtained during the spring of 1991 (April 18 through May 23). This information indicates the foraging activities of as many as eight individual Swainson's hawk on a 1,500-acre portion of the project site located north of Byron Road.

The information collected for Swainson's hawk is deficient in two ways.

- The information only covers the breeding period for this species and does not include use of the area by migrant Swainson's hawk. Use of foraging habitat within the project site by Swainson's hawk during migration is both likely and of significance to the species.
- The information provided in the Draft EIR is a "snapshot" in time which tends to exaggerate the importance of the north 1,500 acres to Swainson's hawk while undervaluing large areas of similar habitat throughout the project site. Other similar habitat areas within the project site can provide equal or greater foraging conditions for the Swainson's hawk at various points in time.

Therefore, the Draft EIR fails to identify Swainson's hawk foraging habitat throughout the entire project site. This results in an erroneous impact analysis which places emphasis on the north 1,500-acre portion of the project site, while ignoring large areas of similar adjacent habitat.

3. The Draft EIR fails to provide adequate mitigation for the Swainson's hawk. As indicated above, the Draft EIR understates the project's impact on foraging habitat throughout the project site. As a result, the mitigation offered to offset the loss of Swainson's hawk foraging habitat is inadequate.

Mitigation for the Swainson's hawk must be based on the loss of 4,270 acres of foraging habitat using the information provided in Table 4.13-1. The minimum acceptable mitigation proposal would be 4,270 (minimum 1:1 ratio) acres retained in suitable habitat.

4. Implementation of the proposed project will result in the loss of foraging and potential denning habitat for the State- and federally-listed San Joaquin kit fox. FGC Section 2080 prohibits the "take" of threatened or endangered species. The DFG can allow the take of a State-listed species pursuant to FGC 2081 provided that the project proponent has secured an Endangered Species Management Permit and Management Agreement (2081 Permit/Agreement). A 2081 Permit/Agreement must ensure adequate compensation for any significant effects and must result in a net benefit to the species.

Please note that because the kit fox is also a federally-listed endangered species, a permit pursuant to Section 10(a) of the Federal Endangered Species Act may also be required. Information regarding the requirements for this permit may be obtained by contacting Dr. Laurie Simon, U.S. Fish and Wildlife Service, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 978-4866.

5. The proposed project would impact wetland habitats including riparian zones along streams and rivers. It is DFG policy to oppose wetland development proposals unless, at a minimum, project mitigation assures there will be no net loss of either wetland habitat values or acreage.

The project proponent must survey the project area to identify and assess all wetland habitats including any vernal pools, lakes, or streamside riparian/wetland zones. Based on the survey, a comprehensive plan must be developed which identifies all measures necessary to avoid or mitigate all negative impacts and provides tangible compensation for unavoidable impacts. Documentation must be provided which assures that the proposal will result in no net loss of



either wetland habitat values or acreage. Any nontangible compensation such as payment of fees to a wetland mitigation fund is unacceptable.

All wetland habitats in the project area must be protected by a 100-foot no development buffer zone. We also recommend that impacts to fish, riparian, and wetland habitats along Old River be avoided by withdrawing the 60-acre marina from the project.

6. The Draft EIR fails to adequately address the cumulative impacts of the proposed project. The proposed project in combination with the proposed City of Lathrop General Plan, Tracy Urban Growth Plan, proposed New Jerusalem and Tracy Hill "New Communities", as well as the projects noted in Table 6.1-1 will consume tens of thousands of acres of agricultural lands and the wildlife habitat that these acres provide. For dependent species like the Swainson's hawk, the loss of habitat at this scale represents a serious deterioration of this species existing range and will likely result in the death of individual Swainson's hawks and kit foxes.

The Draft EIR must be revised to include a discussion of the cumulative effect of the proposed project in combination with the several other large urban growth projects that are occurring in the project vicinity. The discussion should include the net or cumulative effect of these projects on wildlife, particularly sensitive species like the Swainson's hawk and kit fox.

The Draft EIR must also contain measures which mitigate cumulative impacts. The Draft EIR suggests that "a Countywide Habitat Conservation Plan for sensitive species" be developed and that "strict zoning controls should be placed on areas of biological significance". It is the responsibility of the Draft EIR to propose offsetting mitigation measures which counter project impacts. The Draft EIR must be revised to include a means to mitigate the cumulative loss of wildlife habitat within the project vicinity. Also, strict zoning may not be adequate for this task since the majority of the project site is currently zoned as "Agriculture" and covered under Williamson Act protection.

7. The Draft EIR fails to mitigate the effect of short-term gains verses the long-term loss of productivity. The Draft EIR states that the project will result in the loss of approximately 4,270 acres of farmland and will require

cancellation of 3,243 acres of Williamson Act contracts. The long-term productivity of the site relates to its potential for sustainable and renewable products. Regarding fish and wildlife, this means an ongoing stable relationship between the existing wildlife population and the habitat that supports them. Both the farmland product value and its associated wildlife habitat value will essentially be lost if the proposed project is constructed.

B13

8. The Draft EIR must contain specified measures to mitigate or avoid significant environmental impacts. In order to comply with Section 21081.6 of the California Environmental Quality Act (CEQA) Guidelines, the lead agency must adopt a detailed mitigation measure reporting or monitoring program when approving the project. This program must be designed to assure that all mitigation and avoidance measures incorporated into the project as conditions of project approval are effectively implemented.

B14

In summary, the DFG regards the type of unmitigated habitat loss resulting from the proposed project to be permanent and that a loss of this magnitude represents a compelling reason against approval of the project. In addition, issues related to State-listed species such as the Swainson's hawk and San Joaquin kit fox have not been properly addressed. Issues related to wetland habitats and cumulative impacts have also not been addressed. It is evident that the proposed project does not constitute a best use of resources from a fish and wildlife perspective. We recommend that urban growth be planned in and adjacent to existing urban growth centers in order to avoid the serious erosion of wildlife habitat that will result from adoption of this project.

B15

Pursuant to FGC sections 1600-1607, the DFG has direct jurisdiction over any project which proposes to divert, obstruct, or change the natural flow, bed, channel, or bank of any lake, river, or stream. This includes the use or removal of any lake or streambed material. Prior to project implementation, the project proponent is required by law to notify the DFG, pay an appropriate filing fee, and enter into an enforceable Lake/Streambed Alteration Agreement developed to avoid or mitigate negative impacts on fish and wildlife resources. Notification to the DFG should be made for any project proposed within the 100-year flood plain of any lake, river, or stream including dry washes, intermittent and ephemeral streams. A Lake/Streambed Alteration Agreement must be concluded prior to the initiation of any work. The agreement process does not

B16

Ms. Kitty Walker  
January 29, 1992  
Page Six

absolve a lead agency from requiring specific mitigation measures as conditions of approval for projects which will impact lakes or streams.

This project will impact fish and wildlife or their habitat. Payment of fees under FGC Section 711.4 is, therefore, required. Fees are payable by the project applicant upon filing a Notice of Determination with the County Clerk (local lead agency) [or Office of Planning and Research (State lead agency)]. Fees are currently \$850 for an EIR or \$1,250 for a Negative Declaration. No project is operative, vested, or final until these filing fees are paid.

Pursuant to Public Resources Code sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notification should be directed to the Region 2 office at the address provided below.

If the DFG can be of further assistance, please contact Mr. Bob Mapes, Associate Wildlife Biologist, or Ms. Patricia Perkins, Wildlife Management Supervisor, Department of Fish and Game, Region 2, 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670, telephone (916) 355-7010.

Sincerely,

*Howard A. Sarason*

Boyd Gibbons  
Director

cc: Mr. Bob Mapes  
Department of Fish and Game  
Rancho Cordova, California

Ms. Patricia Perkins  
Department of Fish and Game  
Rancho Cordova, California

B16



STATE LANDS COMMISSION

LEO T. McCARTHY, Lieutenant Governor  
GRAY DAVIS, Controller  
THOMAS W. HAYES, Director of Finance

EXECUTIVE OFFICE  
1807 - 13th Street  
Sacramento, CA 95814  
  
CHARLES WARREN  
Executive Officer

February 18, 1992

SCH 90020776

Ms. Carol Whiteside  
State Projects Coordinator  
The Resources Agency  
1416 Ninth Street, Room 449  
Sacramento, California 95814

Ms. Kitty Walker  
San Joaquin County Community  
Development Department  
1810 E. Hazelton Avenue  
Stockton, California 95205

Subject: Draft Environmental Impact Report for Mountain House New Town General  
Plan Amendment (SCH 90020776)

Dear Ms. Whiteside and Ms. Walker:

Staff of the State Lands Commission has reviewed the draft Environmental Impact Report for the Mountain House New Town General Plan Amendment (SCH 90020776). Under the California Environmental Quality Act, the San Joaquin County Community Development Department is the Lead Agency and the State Lands Commission is a Trustee Agency.

STATE LANDS COMMISSION JURISDICTION

By way of general background, upon admission to the Union in 1850, California acquired nearly 4 million acres of sovereign land underlying the State's navigable waterways. These lands are under the jurisdiction of the State Lands Commission. The Commission holds its sovereign interest in these lands subject to the Public Trust for commerce, navigation, fisheries, open space, and habitat preservation. The Commission is particularly concerned with the natural resources and public recreational opportunities of lands under its jurisdiction.

Ms. Carol Whiteside  
Ms. Kitty Walker  
February 18, 1992  
Page Two

Old River is a natural, navigable body of water which is subject to a public navigational easement. This easement provides that members of the public have the right to navigate and exercise the incidences of navigation (which may include, but not be limited to, boating, rafting, sailing, rowing, fishing, fowling, bathing, skiing, and other water-related public uses) in a lawful manner on State waters that are capable of being physically navigated by oar or motor-propelled small craft.

The public rights to these waterways are established by the Act of Admission of California into the Union, the California Constitution (Article X), and judicial decisions.

#### ENVIRONMENTAL ASSESSMENT

The DEIR fails to provide the CEQA-required comprehensive cumulative impact analysis which stems from not only the new development proposed within San Joaquin County (the proposed 4,677-acre Mountain House New Town Community, the City of Lathrop General Plan amendment, the proposed New Jerusalem, and the other new communities listed on Table 6.1-1), but also from the past, present, and anticipated future projects within the statutory Delta resource region, which region includes portions of the Counties of Alameda, Contra Costa, Sacramento and Solano (Section 15130 of the State EIR Guidelines).

The impact analysis should discuss, among other matters, the cumulative adverse effects on Public Trust resources from waste water discharge, nonpoint source pollution, water supply, salt water intrusion, and the effects of roads and other infrastructure. The analysis should also include a discussion of the impacts of increased boat traffic generated by these projects on navigable waterways including Old River.

Thank you for the opportunity to comment. If you have any questions, please contact Diane Jones at 916-327-9568.

Sincerely,



ELIZABETH PATTERSON  
Resource Planning and Analysis Section  
Division of Environmental Planning  
and Management

cc: OPR  
Dwight Sanders

B17

COMMENT LETTERS

LOCAL AGENCIES AND DISTRICT OFFICES OF STATE AGENCIES

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# Tracy Rural County Fire Protection District

22484 South 7th Street  
Tracy, CA 95376

Phone (209) 835-1883

January 14, 1992

Mrs. Kitty Walker, Senior Planner  
Community Development  
1810 E. Hazelton Ave.  
Stockton, CA 95205-6232

Dear Mrs. Walker;

The Tracy Rural Fire Protection District will provide fire protection for the Mountain House Development. We are requesting that the following conditions be required by the developer as part of the approval process:

1. All fire flows meet San Joaquin County ordinance 3549
2. Fire station sites be deeded to Tracy Rural Fire District
3. The Developer agree to enter into an agreement with the Tracy Rural Fire District for assistance in construction of the fire stations if the fire district is financially unable to construct the stations.

C1

Sincerely,



Gene LeBlanc  
Fire Chief

GLB:mb

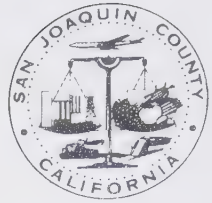
# PUBLIC HEALTH SERVICES

SAN JOAQUIN COUNTY

JOGI KHANNA M.D., M.P.H.

Health Officer

P.O. Box 2009 • (1601 East Hazelton Avenue) • Stockton, California 95201  
(209) 468-3400



## SAN JOAQUIN COUNTY PUBLIC HEALTH SERVICES ENVIRONMENTAL HEALTH DIVISION

January 13, 1992

### MEMORANDUM

TO: Kitty Walker, Senior Planner  
San Joaquin County Planning Division

FROM: Fred Kaufman, Program Manager *FK*  
Environmental Health Division

RE: Mountain House Project  
Draft EIR

Environmental Health has the following comments on the referenced DEIR.

LAND USE. Mitigation Measure (MM) 4.1-2(d); Right to Farm: An Ordinance will not prevent nuisance suits. A city dweller and a farmer's perception on what are proper farming practices is not the same and it places a local agency in the position of trying to resolve the conflicts. Residential zoning next to farming operations will create conflicts. Nor are public funds available to respond to complaints such as these.

PUBLIC UTILITIES/WATER. We concur with the mitigation measures proposed for Public Utilities/Water. The applicants should identify that adequate water is available on an all-year basis and that a permit can be obtained prior to approval of the specific plan. The preferred alternative would be to annex all territory within the project area to BBID and that water can be provided by the District on a 12 month basis. It should be noted that the water system must be approved and the permit obtained from the Office of Drinking Water, California Department of Health Services.

Regarding MM 4.4.1-6, any disposal of dried sludge to land disposal would require a Waste Discharge Permit from the Central Valley Regional Water Quality Control Board (CVRWQCB) and an exempt disposal site permit from this Division.

PUBLIC UTILITIES/WASTEWATER. We agree that a Wastewater Discharge Permit should be issued by the CVRWQCB and must be issued before construction begins [MM 4.4.2-1(a)].

MM 4.4.2-2(a) should be expanded to require low flow plumbing fixtures such as 1 1/2 gallon toilets, low flow shower heads, and automatically controlled faucets in commercial



establishments.

An important consideration regarding MM 4.4.2-2(c) is whether the CVRWQCB will allow discharge to Old River at all. This issue should be resolved prior to project approval.

MM 4.4.2-2(f) and 4.4.2-3(d) refer to a pretreatment program regulating discharge of commercial waste to public sewers. Title 5, Division 6, of San Joaquin County Ordinance requires a waste discharge permit issued by the County Public Works Department for commercial establishments discharging industrial wastes to public sewers. Further, the quality and quantity of that permitted discharge is regulated.

In response to MM 4.4.2-2(h), this Division is concerned about these tile drains, especially the private drains under individual fields. These drains represent a potential outlet to Old River from unknown sources of contamination on individual sites. The existence and locations of these drains should be made known to the Central Valley Regional Water Quality Control Board and the drains removed prior to any development.

We concur with mitigation measures for sludge disposal Impact 4.4.2-3. See 4.4.1-6 above for sludge disposal.

PUBLIC HEALTH & SAFETY. Concerning Impact 4.12-1, this Division concurs with the mitigation measures recommended. We concur with a preliminary assessment prior to any construction near existing or abandoned fuel lines due to history of contamination associated with fuel transmission lines in the Tracy area. This division would review the reports.

We concur also with MM 4.12-7. This Division is the Local Enforcement Agency for Solid Waste Disposal in San Joaquin County. Staff would review the soil and groundwater reports and be involved with the proper closure of illegal household landfills.

The mitigation measures for Impact 4.12-5 are appropriate in light of there being no specific regulations for EMF except for schools. However, it appears it will only be a matter of time before specific regulations are proposed by the Federal EPA.

#### MITIGATION MONITORING PROGRAM

MM 4.4.1-7: San Joaquin County Office of Emergency Services (SJCOES) is the responsible agency for hazardous materials control. Hazardous materials handling and business plans should be referred to them. This Division is the responsible agency for Hazardous Waste disposal.

Impact 4.12-2: The San Joaquin County Agriculture Commissioner (SJCAGC) is responsible for pesticide and herbicide regulation and use in San Joaquin County. He should be listed as the responsible person for use and storage.

MM 4.12-3(b) should note that this Division is the permitting agency for water wells, including sanitary seals and destructions, not the SJCBD.





**MTC**  
METROPOLITAN  
TRANSPORTATION  
COMMISSION

January 31, 1992

Kitty Walker  
San Joaquin County Community  
Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205-6232

Alameda County  
**EDWARD R. CAMPBELL**  
**DAVID S. KARP**

Contra Costa County  
**ROBERT I. SCHRODER**  
**STEVE WEIR**  
Chair

Marin County  
**KAREN KUNZE**

Napa County  
**FRED NEGRI**

San Francisco  
City and County  
**HARRY G. BRITT**  
**RUBIN GLICKMAN**

San Mateo County  
**TOM NOLAN**  
**JANE BAKER**  
Vice-Chair

Santa Clara County  
**ROD DIRIDON**  
**JAMES T. BEALL, JR.**

Solano County  
**JAMES SPERING**

Sonoma County  
**PETER C. FOPPIANO**

Association of  
Bay Area Governments  
**DIANNE MCKENNA**

S.F. Bay Conservation  
and Development  
Commission  
**ANGELO J. SIRACUSA**

State Business,  
Transportation and  
Housing Agency  
**PRESTON W. KELLEY**

U.S. Department  
of Transportation  
**WILLIAM P. DUPLISSEA**

U.S. Department  
of Housing  
and Urban Development  
**GORDON H. MCKAY**

Executive Director  
**LAWRENCE D. DAHMS**

Deputy Executive Director  
**WILLIAM F. HEIN**

Subject: DEIR, Mountain House New Town General Plan Amendment

Dear Ms. Walker:

This letter includes Metropolitan Transportation Commission (MTC) staff comments on the transportation system impact analysis in the DEIR for the Mountain House development. The project site is just east of the point where I-580 splits off from I-205 to join I-5 to the south. This general plan amendment would change 4667 acres in western San Joaquin County from agriculture to a variety of urban and recreational land uses. The amendment would allow 16,000 residential units and 8.5 million square feet of commercial and industrial uses. The DEIR estimates that this development would accommodate about 19,900 new jobs. The report does not estimate the number of new residents. MTC staff estimates that since most of the dwelling units would be low density, a reasonable number would be about 46,400 residents or 2.9 persons/unit.

The DEIR estimates the project's transportation system impacts under two scenarios, the Proposed Project and the Market Constrained Alternative. The first assumes that residential and employment buildout would occur by 2010, the traffic analysis projection year. The Market Constrained Alternative assumes that by 2010 all residential and 44% of the employment development would exist, so there would be substantially more outcommuting than with the Proposed Project Alternative.

Freeway System Impacts The DEIR states that the Mountain House development would increase traffic volumes on both I-580 and I-205 by between 3% and 18% over levels projected with cumulative development in 2010. The report predicts level of service F on I-580 at Altamont Pass and on I-205 with or without the proposed project. It does not predict LOS with and without the project for other freeway segments likely to be affected by the project. This information should be included to help decisionmakers and the public understand project impacts.

The DEIR shows that I-205 would operate at LOS F with the proposed project even with an assumed 5% reduction in traffic volume due to transportation demand management (TDM) and 4 additional lanes. It shows that I-580 west of I-205 would operate at LOS F with 2 new lanes and with the traffic reductions due to TDM.

However, the proposed project's freeway traffic impacts could actually be even more severe than predicted. The DEIR assumes that very high

percentages of residents (45% for the Proposed Project Alternative and 24% for the Market Constrained Alternative) would be employed at the project site, so would not access the freeway system to commute to work. But, the DEIR presents evidence that these percentages could turn out to be much lower. If they were lower, then the percentages of residents who work off-site and who travel long distances to work on the freeway system could be much higher. The evidence is presented in the housing section which shows that most workers at the project's jobs would be unable to afford the project's housing. Most project residents would have to be employed elsewhere and commute.

MTC staff recommends that the EIR assume that lower percentages of the project's residents work at the project site to provide a worst case traffic analysis as required by CEQA. Even if high percentages of the project's residents did work at jobs at the project site, the project's commercial and industrial development could lag much further behind residential development than expected, forcing larger numbers of residents to out-commute

Recommended Mitigations In view of the severe traffic impacts predicted and the concomitant air quality problems, MTC staff recommends that the combination of mitigation measures described below be included as conditions of project approval. The goal of these measures should be to reduce traffic volume impacts to no more than a few percentage points of cumulative traffic volume. The measures should include:

- Downscaling the project,
- Jobs/housing balance measures, such as timing job and residential development to maintain a balance and ensuring that housing is affordable to project workers,
- Project sponsor contributing a fair share of funds to freeway mainline and interchange improvements on I-580 and I-205. The EIR should discuss the cost of these freeway improvements and the amount of funds to be provided by the project sponsor,
- Transit service links to planned and existing regional transit systems, including BART, and
- TDM Program to encourage ridesharing and heavy use of transit service.

Thank you for the opportunity to comment on this Draft EIR. We are looking forward to receiving the final document.

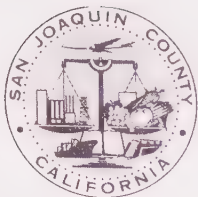
Sincerely,



William F. Hein  
Deputy Executive Director

WFH:SP:my:9028p/6-7

cc: All Commissioners  
ABAG Clearinghouse  
Caltrans  
Henry Hillken, BAAQMD



# COUNTY OF SAN JOAQUIN

## DEPARTMENT OF PUBLIC WORKS

P. O. BOX 1810 -- 1810 E. HAZELTON AVENUE

STOCKTON, CALIFORNIA 95201

(209) 468-3000

EUGENE DELUCCHI  
CHIEF DEPUTY DIRECTOR

THOMAS R. FLINN  
DEPUTY DIRECTOR

MANUEL LOPEZ  
DEPUTY DIRECTOR

RICHARD C. PAYNE  
DEPUTY DIRECTOR

HENRY M. HIRATA  
DIRECTOR

### M E M O R A N D U M

January 28, 1992

TO: KITTY WALKER  
COMMUNITY DEVELOPMENT DEPARTMENT

FROM: KEN HILL *Ken Hill*  
Environmental Coordinator

SUBJECT: SCH #90020776 DEIR MOUNTAIN HOUSE NEW TOWN GPA

The following comments are submitted with respect to this department's review of the above mentioned environmental document:

#### TRAFFIC ENGINEERING DIVISION

##### Page 3-9

1. Medium Density is shown as 98 dwelling units per acre, rather than 8 Units per acre.

##### Page 3-17

2. A discussion for the phasing of transit improvements should be included in this section.

##### Page 3-19

3. The Employment projection appears to be optimistic. Even the applicant's Market Study claims that the initial demand for housing in the project area will be "Largely generated by the employment growth in the major employment centers in Alameda and Contra Costa Counties." If this is true, then the projected volumes for out-commuting may be underestimated, as well as the necessary measures to mitigate the impacts of the increase in the projected traffic. In addition, the average household income of those potentially employed at the project site (Less than \$ 50,000) will be inadequate to purchase any housing other than the high and medium-high density units. (Which comprise only 20 percent of the available housing supply) This will generate a large number of trips due to in-commuting to the Mountain House job supply from the more affordable housing areas of the county. Again, the projected volumes external to the project site may be underestimated.

##### Page 4.2-9

4. Item (h) of the "Policy" column identifies public transit as a necessary component of the circulation system, and the "Project's Relationship to Policy" column shows that the applicant's proposed circulation system does not include public transit routes. The "Mitigation Measure" column, however, does not address this in any way. A conceptual public transit plan should be identified by the project sponsors.

##### Page 4.10-2/3

5. The discussion on financing of capital improvements is vague at best. Assessment districts cannot possibly pay for everything or the property owners will be substantially burdened, especially if the buildout is less than what is proposed by the applicant. Under the discussion of County impact fees for regional road improvements, it is important to note that under the existing fee structure there is no mechanism in place to finance those listed improvements.

6. 110 million in costs for roadway improvements is very low considering the impacts this development will have on the nearby freeways, interchanges, and other regional roads.

C24

C25

C26

C27

C28

C29



Choosing transportation control measures from a "shopping list" of possibilities has proven to be unfocused and unsuccessful in affecting the behavioral changes necessary to reduce vehicle usage in other areas. There is no reason to believe that such a strategy would be successful in San Joaquin County.

C21

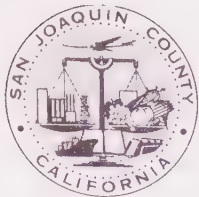
Transportation control measures that are most likely to be effective as air quality controls, generally focus on people movement rather than vehicle movement. In addition, strategies which combine measures, in many cases, increase the overall effectiveness of the individual measures through their synergistic packaging. One such example is the provision of HOV lanes and increased transit along a specific corridor in combination with parking pricing at attractor sites.

C22

To be complete, the EIR should specify the strategies which will allow the above standards to be met by the target dates.

C23





# COUNTY OF SAN JOAQUIN

## DEPARTMENT OF PUBLIC WORKS

P. O. BOX 1810 - 1810 E. HAZELTON AVENUE  
STOCKTON, CALIFORNIA 95201  
(209) 468-3000

EUGENE DELUCCHI  
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THOMAS R. FLINN  
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MANUEL LOPEZ  
DEPUTY DIRECTOR

RICHARD C. PAYNE  
DEPUTY DIRECTOR

HENRY M. HIRATA  
DIRECTOR

### M E M O R A N D U M

January 28, 1992

TO: KITTY WALKER  
COMMUNITY DEVELOPMENT DEPARTMENT

FROM: KEN HILL *Ken Hill*  
Environmental Coordinator

SUBJECT: SCH #90020776 DEIR MOUNTAIN HOUSE NEW TOWN GPA

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6. 110 million in costs for roadway improvements is very low considering the impacts this development will have on the nearby freeways, interchanges, and other regional roads.

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7. Currently, there is no mechanism in place to finance the proposed transit improvements.

**Page 4.14-19**

8. The regional shopping mall proposed to be built in Tracy, north of I-205, may attract more trips from the project site, than are discussed under the Project Scenario. (Shopping trips are shown to be nearly 100 percent internal) There is no discussion about the nature of the shopping trips under the Market-Constraint Scenario, however, it can be assumed that the number of trips attracted to the regional mall would increase.

**Page 4.14-24**

9. The future multi-modal station transfer site, as described in the DEIR as being in the vicinity of the Town Center, may not be the most desirable location for a facility of regional and inter-regional, commuter rail. The project sponsor, however, should contribute tangible and "fair share" resources toward the study and development of a commuter rail corridor between San Joaquin County and the Bay area.

**Page 4.14-28**

10. The assumptions that lead to a reduction in average daily traffic on the freeways (particularly I-5 between SR-120 and I-205) are unclear. If this reduction is due to residents moving from Stockton, Manteca, Modesto, etc., into the new Mountain House community, (for decreased commute length to the Bay Area) it is in conflict with the original statement by the project sponsor that the initial housing demand will be generated by the larger employment centers in the Bay Area. In addition, the housing is projected to be more expensive in the Mountain House area than in the central and eastern portions of San Joaquin County, and therefore, may not induce current County residents to relocate.

**Page 4.14-32**

11. Since the project sponsor's estimate of 19,880 jobs at buildout is highly unlikely, (Page 4.11-9) the resulting volume changes on the freeways in the project vicinity may be underestimated.

**Page 4.14-35**

12. In San Joaquin COG's report, I-205: THE BLEARY-EYED COMMUTE (1990), the author's indicate that of the peak hour traffic, "more than 70 percent is heading in one direction, and less than 30 percent in the other direction." In addition, page 4.14-5 of this DEIR indicates that "Up to 80 percent of the total two-way peak hourly volume on the freeway is in the peak direction." However, Table 4.14-13A of this DEIR shows a peak hour directional split of 60/40 percent, which underestimates the traffic volumes in the heaviest direction. Although the model analysis is assuming that future peak hour splits will balance out, there are many economic factors that contribute to the current imbalance, such as, housing/land prices, types of industry and employment opportunities, and average household incomes that are very different in San Joaquin County as compared to Alameda, Santa Clara and Contra Costa Counties. Such economic factors may not balance out and have an impact on the roadway network within the time frame of the planning period.

13. It is unclear what year the "Two-Way Future ADT" column represents.

14. Table 4.14-13A indicates that the Two-Way Future ADT will be approximately 80 - 85,000 vehicles in the vicinity of Patterson Pass Road and Hansen Road. (Under the "Cumulative Growth + Proposed Project scenario) However, page 4.14-4 of this DEIR identifies an annual increase in traffic on I-205 of nearly 17 percent. If this rate of increase were to remain constant, traffic volumes on I-205 near Patterson Pass Road would exceed 85,000 within two years.

**Pages 4.14-46&47**

15. The Market Constraint Project should show more trips on the County roads between Mountain House and Tracy, as a great deal more of the employment, shopping and school trips will be external, and may not necessarily utilize the freeway route.

**Page 4.14-48**

*fail*

16. Projected Cumulative Volumes + Proposed Project underestimate the traffic volumes on the County Roads between Mountain House and Tracy.

Current ADT's on Byron Road and Grant Line Road between the two communities exceed the projected future volumes in the DEIR.

Page 4.14-58

17. The TDM strategies proposed by the project sponsor should comply with the requirements established in the San Joaquin County CMP.

Page 4.14-62

18. Under "The project will generate a significant demand for parking", it is important to note that Parking Management strategies may be required as part of the compliance with the Transportation Control Measures of the CMP and the Air Quality Attainment Plan.

**SOLID WASTE DIVISION** - The attached "Waste Plan Format for Development Projects" needs to be considered and incorporated into the EIR.

**FLOOD CONTROL DIVISION** - The maintenance of Mountain House Creek needs to be addressed in the EIR.

**PUBLIC TRANSPORTATION** - Comments to follow under separate cover.

[REDACTED]

**WATER RESOURCES COORDINATOR** - Comments to follow under separate cover. Should you need clarification or amplification, please call me at Extn 3073 or the responding division above.

KAH

] C39  
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] C41  
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] C42  
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] C43  
]

*K. K. K.*





COUNTY OF SAN JOAQUIN  
DEPARTMENT OF PUBLIC WORKS  
P. O. BOX 1810 - 1810 E. HAZELTON AVENUE  
STOCKTON, CALIFORNIA 95201  
(209) 468-3000

EUGENE DELUCCHI  
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DEPUTY DIRECTOR

SAN JOAQUIN COUNTY  
WASTE PLAN FORMAT FOR DEVELOPMENT PROJECTS

HENRY M. HIRATA  
DIRECTOR

I. Waste Generation Analysis

- A. Discussion of types of solid and hazardous waste that will be produced.
- B. Estimation of annual quantities of solid and hazardous waste that will be produced, per waste type identified in Section I, A above.

II. Waste Diversion Analysis

- A. Discussion of types of solid and hazardous waste that will be diverted from disposal by recycling methods.
- B. Discussion of processes that will be used that reduce the amount of waste that would normally be generated.
- C. Estimation of the annual quantity of solid and hazardous waste that will be diverted, per waste type identified in Section II, A & B above.
- D. Discussion of market availability for diverted materials.

III. Waste Storage

Discussion of methods that will be used to store solid and hazardous waste onsite, prior to collection for diversion or disposal, including discussion of types of storage containers to be used, location of storage areas on site plan, and access to storage areas by collection vehicles.

IV. Waste Collection

Discussion of methods that will be used to collect and transport recyclable materials to market and solid and hazardous waste to disposal sites.

V. Waste Disposal

Discussion of disposal facilities that will be used for disposal of solid and hazardous wastes that are produced, including identification of the facilities and impact on the facilities by the increased waste quantities.

VI. Records

Discussion of methods used to report to County, the annual quantities of waste diverted and or disposed.

August, 1990





ALAMEDA COUNTY  
CONGESTION MANAGEMENT AGENCY

Kitty Walker, Senior Planner  
San Joaquin County Community Development Dept.  
1810 E. Hazelton Avenue  
Stockton, CA 95205-6232

Subject: Draft EIR for Mountain House New Town General Plan Amendment

Dear Ms. Walker:

Thank you for the opportunity to comment on the subject document. After reviewing the document in detail we have the following comments:

1. Given the magnitude of the project, and the high proportion of generated traffic that is shown to have destinations in Alameda County, the report should clearly address the potential impacts of the development on the Congestion Management Program road system designated by Alameda County, particularly regarding deterioration of Levels of Service (LOS) on I-580 and I-680, but not limited to those facilities. The magnitude of the impacts beyond the 580/680 interchange must be addressed, as well. The analysis should include specific mitigation measures that are clearly capable of preventing deterioration of LOS on those facilities, and estimates of associated costs.

C44

2. The report should take account of the Alameda Countywide Transportation Plan, currently being finalized, and address the potential need for revenues to fund increases in transit services between Alameda and San Joaquin Counties that would be required by increased demand generated by the proposed General Plan Amendment.

C45

3. The report should address all issues raised in the letter from the Alameda County Public Works Agency, dated January 28, 1992.

C46

Sincerely,

José Luis Moscovich,  
Deputy Director

cc: Dennis R. Fay, CMA  
Ousama H. Kavar, PWA  
FILE: CMA Env.Reviews  
CMA Corresp.  
JLM Chron

JLM:wrs

**DEPARTMENT OF TRANSPORTATION**

P.O. BOX 2048 (1976 E. CHARTER WAY)  
STOCKTON, CA 95201



(209) 948-7838

January 30, 1992

10-SJ-205-1.38  
(Patterson Pass Road Overcrossing)  
San Joaquin County  
Mountain House New Town DEIR  
SCH #90020776

Mr. Russ Colliau  
State Clearinghouse  
1400 Tenth Street  
Sacramento, CA 95814

Dear Mr. Colliau:

The State Department of Transportation (Caltrans District 10) has reviewed the Draft Environmental Impact Report and the proposal to amend the San Joaquin County General Plan. It proposed to allow the construction of a new town on 4,667 acres which includes 16,097 residential units (43,924 population) and 702 acres of industrial/commercial (17,599 jobs).

Caltrans review indicates that significant impacts will warrant additional lanes on both Route 205 and 580. Extensive interchange improvements and reconstruction at Patterson Pass and Grant Line Roads will need to be completed to handle the proposed traffic. Plans will need to be prepared and approved by Caltrans for those improvements prior to issuance of permits for any county road work in state right of way.

Based on the information we have received, we have the following comments:

**TRAFFIC BRANCH COMMENTS:**

This self-contained town or "village concept" belies the fact that a significant number of the residents will be employed in "out of the immediate area" locations. With today's mobility, the idea that people will do all their shopping and use services only within their village center is contradicted by the development of large no-frills food centers such as Pak-n-Save and Food-4-Less, and the large regional malls. In fact, one such mall is planned for the west side of Tracy, only four miles from this proposed development. People have no compulsion against driving some distance to shop, especially when the savings is considerable, more than offsetting fuel costs.

Neighborhood services tend to be higher priced and offer less variety. They tend to satisfy more of the last minute or need-it-now needs. It is doubtful that a large retail or anchor type establishment would set up in a small neighborhood center.

C48

The supposition that most residents will also work within this town and thus avoid adding additional commute traffic to Routes 205 and 580 is purely hypothetical. The present high commute volume on the Altamont shows that people will commute long distances if it fits their needs or incomes. It is presumptuous to assume that people will pick up everything and move just to be next to their job. Many of the people working in the area are in low paying jobs (custodial, etc.) and cannot afford to live in the area. Developments such as this tend to be higher scale and do not provide the lower cost housing that would be needed. Many of the jobs will be part time, low paying, such as fast food.

C49

The document shows a misconception about the provision and operation of ramp metering. It is not installed for the benefit of HOV's. Its function is to keep freeway traffic moving by restricting the entrance of additional traffic from the local streets. Metering entering traffic at a predetermined rate determined by the freeway volumes and speeds reduces the bottleneck and congestion caused by large groups of vehicles entering at the same time. The provision of a HOV lane on the ramp is a bit of coercion to encourage the use of HOV's. Ramp metering does not take place until there is a need for it. It will not relieve a developer of the need to provide mitigation for the effects of his project, as seems to be the attempt here.

C50

Also proposed is the use of HOV lanes on local city streets. How can this be accomplished, with all the left turns, cross-traffic, etc. Enforcement would be near impossible.

C51

TRAFFIC FORECASTING AND ANALYSIS (ADVANCE PLANNING) COMMENTS:

NOTE: This review of the Mountain House DEIR will attempt to cover all major transportation concerns with considerably more emphasis on the Market Constraint Scenario (MCS).

*Existing Traffic Volumes*  
Page 4.14-4/Figure 4.14-2

C52

Inset I-580/Patterson Pass Road  
Volume for S/B on-ramp to I-580 should be checked.

DEIR 220  
Safeway/Korve Study (1991) 970  
Caltrans Ramp Book (1986) 990



*Analysis Years*

Page 4.14-16 - Assumption of a lag between construction and occupancy of residential units is not as valid as to say that the initial employment that may be available may be retail/service oriented. This would more likely cause a decrease in employed residents in MH.

C53

Page 4.14-17/Paragraph 1 - Agree - That the Market Constraint Scenario (MCS) would provide a more realistic scenario than the Proposed Project Scenario (PPS). This analysis should be pursued more aggressively.

C54

*Proposed Project Scenario*

Page 4.14-19/Paragraph 2 - The statement of 70% of total trips remaining internal to the project site by the year 2010 is unreasonable and unrealistic. The comparison of MH to the City of Tracy is based on results of the same model (1991 SJ County Regional Model) used for MH. An alternative analysis should be considered to substantiate this comparison.

C55

Page 4.14-19/Table 4.14-4 - Footer for Table should correspond with Tables 4.14-5 through 4.14-8 and not 4.14-8 through 4.14-11.

C56

*Market Constraint Scenario Trip Generation*

Definitely more reasonable but still too optimistic for MH.

C57

Page 4.14-20 - There have been some changes in the tables since the Admin. Draft. Caltrans concerns are that the interim years are showing lower trip ends than the Admin. Draft. The Draft should address total trips.

C58

In direct reference to comments on distribution of daily trips of the MH projects (ref. worksheets on pages 4.14-22, 28 & 29) there seems to be a major discrepancy on the impacts on the area freeways. An explanation is needed on how the volumes on Figures 4.14-6A and 4.14-6B were determined.

C59

Page 4.14-22 - Table 4.14-9 is neither realistic nor reasonable.

C60

Table 4.14-10 is a little more believable in the sense that it shows a larger percentage of work trips to the west (Bay Area). The MCS table actually shows the Bay Area commute to be the heaviest and MH the lowest. Caltrans believes the Bay Area will still attract a greater portion of the work trips for any scenario.

C61

Footers for both tables are not consistent with the data referred to.

C62

Page 4.14-23/Paragraph 1 - The statement that a 60% reduction in employment will only result in a 20% reduction in internal travel is confusing.

C63



### *Mitigation Measures*

Page 4.14-26

MM 4.14-1(g) - Critical for State Highway impact monitoring

C64

### *Impact*

Page 4.14-27/Paragraph 3 - The assumption of a higher increase in freeway volumes under the PPS due to the interaction between MH employment and Tracy labor pool needs more substantiation and is contradictory to the statement that Tracy has an internal travel rate of 70% (ref. page 4.14-19/paragraph 2).

C65

### Miscellaneous Information:

Ref. Tracy Citywide Traffic Model Report

Trips That Are External (IXXI) to m SJCCOG Region

Daily Altamont Pass Breakdown from MTC/SJCCOG/Caltrans Altamont Pass Survey:

HBW = approx. 70%

HBO = approx. 20%

NHB = approx. 10%

C66

Breakdown of Daily Trips Between Tracy and Sacramento, Tracy and Modesto, etc.

HBW

HBO = approx. 35%

NHB = approx. 30%

C67

Composite Trip Purpose Breakdown for Tracy (II and IXXI)

	<u>Daily</u>	<u>PM Peak</u>
HBW	22%	29%
HBO	33%	35%
NHB	45%	37%

C68

Page 4.14-28/Figure 4/14-6A - A MAJOR concern with this diagram is the inconsistency with the prior Table 4.14-9 on Page 4.14-22 which is supposed to be the "Projected Distribution of Total Daily Trips (percent)". A simple calculation on 2010 projected volumes on the Altamont Pass would be to multiply 11% (.11) by the total projected volume of 450,300.

C69

$$.11 \times 450,300 = 49,533$$

According to Figure 4.14-6A Proposed Project Scenario generated ADT on I-580 west of Vasco Road is 7,000.

Similar discrepancies for the Market Constraint Scenario are evident based on straight calculation of trip distribution (see attached worksheet).

C70

Footer 2 should be corrected to say trips are reduced on area freeways and not on Mountain House Road. C71

The negative effect on segments on I-205 and I-580 is due to the "replacement traffic" concept. This is actually a great idea if it occurs; however, it is highly unlikely. C72

Page 4.14-35/Table 4.14-13A and subsequent tables.

Page 4-14.4 - MM 4.14-3(b) - Caltrans suggests this mitigation be included in the first phase of MH development and also possibly include Grantline/I-205 interchange. C73

Page 4.14-50 - Note for Table 4.14-14.A Should be corrected to 4.14-8A and 4.14-9A C74

Page 4.14-52 - MM 4.14-4(a) Should include a similar mitigation measure for State highways. C75

Page 4.14-55 - Note: for Table 4.14-15A and 4.14-15B - There is no Figure 4.14-6 C76

Page 4.14-58, Paragraph 1 - Comparison to the City of Tracy is mentioned again. Assumptions of "comparably-sized" town may be correct but jobs/housing balance may not be valid because of Tracy's existing employment opportunities (old) and housing opportunities (new). MH is assuming an ideal new employment and new housing concept. An alternate analysis of Tracy's actual jobs/housing ratio with projected population of MH 100% residential buildout may produce different results. C77

Paragraph 2 - This reiterates a critical point for the need of a project monitoring system and Specific Plan. C78

### Conclusions

There appears to be a consensus with all factions involved that the MH project will cause significant impact to the State Highway System; considerably more than either the Proposed Project Scenario or even the Market Constraint Scenario. How this can be prevented, controlled, mitigated, etc., is really unknown because of the size, location and concept of the project. Strong and definite mitigation measures that stress monitoring of project phasing, specific interchange and mainline improvements and a realistic specific plan may be the only answer. C79

### MOUNTAIN HOUSE NEW TOWN GENERAL PLAN AMENDMENT SUGGESTED MITIGATION MEASURES

- A new Patterson Pass Road and Interstate 205 Interchange. C80

- Widen I-205 to 8 lanes from Alameda County line to the intersection of Tracy Blvd./I-205 (Sales tax/gas tax project is widening to 6 lanes.)
- Construct a west bound auxiliary from Patterson Pass Road on ramp to I-580. This should be combined with the future truck bypass ramp which will take I-205 west bound trucks around the I-580/I-205 merge area and become the truck climbing lane over Altamont Pass (which is also in District 4).
- Improvements to the Grant Line Road I-205 interchange, including signals, ramp widening and possible auxiliary lane.
- Improvements to the Patterson Pass Road I-580 interchange which may include widening the overcrossing, installing signals and ramp improvements.
- Improvements to the Grant Line Road I-580 interchange (District 4).
- Provide a car pool program, express buses to the Pleasanton area for connection to BART and tri-valley employment area. This would be to reduce the need to widen I-580 over Altamont Pass.
- Grant Line Road should be realigned and grade separated from the Southern Pacific Railroad. The east and west segments of Grant Line Road could be connected and a connection to the Byron Highway included.
- The toll road study showed a need for a freeway along the Byron Highway alignment. This should be discussed in the EIR.

C80

MOUNTAIN HOUSE NEW TOWN EIR COMMENTS

Page 2-53: The sentence about funding a fair share of freeway widening needs to be expanded to include which freeways and how to fund them.

C81

Page 2-55: Add I-205 Grant Line Interchange to the study.

C82

Page 2-56: The need of grade separation of Grant Line Road SPRR and Byron Highway needs to be studied.

C83

MOUNTAIN HOUSE NEW TOWN EIR CHAPTER 4 COMMENTS

Page 4.9-7 & 9 - A discussion of the sales tax for roads and the amount of tax that would be anticipated is needed. If this tax were used for road improvement bond redemption, how much road improvements could be constructed to offset the impacts of the project on I-205?

C84



Page 4.10-3 & 8 - The cost for the needed freeway improvements needs to be considered and added to Table 4.10-1. Only one interchange is shown to be approved on the table.

Page 4.11-11 - If the housing price is higher than the income level of the employees in the project area, then the job/housing balance won't happen and workers will drive into the project from Byron Highway and Patterson Pass Road and more residents will leave to go to work where the higher paying jobs are located.

Page 4.14-19 - The internal trip percent seems to be too high if the homes are too expensive for the anticipated salaries paid to on-site workers.

Page 4.14-22 - In the market constraints scenario, employment goes to Stockton. This will create higher trip percentages east on I-205. In addition, workers would also come from housing from the Manteca/Ripon/Modesto area using Highway 120 and I-205. There is also a large increase in westbound commute traffic which affects the level of service on Altamont Pass/I-580.

Page 4.14-25 - Figure 4.14-5 should show the new Patterson Pass Road interchange as an on-site requirement. The new minor arterial shown north of the interchange may be too close to the new off-ramp traffic signals and should be located further north.

Page 4.14-28 - The traffic reduction shown on I-5/I-205 does not agree with the work trip distribution and the jobs/housing balance study and is misleading to the reader. Other tables show there is still a major increase in traffic in that area of the freeway system.

Page 4.14-36-40 - The table shows level of service "F" for PM peak traffic on I-205 with six lanes and in some area "F" with eight lanes. The project should be responsible for a portion of the costs, the widening of this freeway to 8 lanes to improve the level of service conditions.

## CALTRANS, DISTRICT 10 INTERSTATE 205 PROGRAM FOR COST SHARING FOR FREEWAY AGREEMENT

The San Joaquin County Council of Governments has submitted the westerly one-third of I-205 to the California Transportation Commission for funding to add two lanes between I-580 and 11th Street in Tracy. The future traffic demands is for 8 lanes plus auxiliary lanes. The next two phases of the six lane widening will probably be submitted for funding in the 1994 STIP. Even if the CTC funds these projects on the first submittal it is unlikely that there will be paving to drive on prior to the year 2000.

The Measure K sales tax was to solve current problems and provide funds to match state and federal highway funds. The growth due to new development will require additional capacity on all the freeways in San Joaquin County. This capacity should be added to avoid air pollution and congestion problems and paid for by the new residents and businesses that generate the traffic.



A benefit district could be formed to supplement the funding from gas tax and sales tax to build the 8 lane freeway now rather than the 6 lane freeway. This avoids constructing median improvements that would later be removed for future widening. The Mountain House new town area could be a benefit district or be combined with the Tracy area developments to form a much larger district.

The City of Pleasanton and the Hacienda Business Park development have an assessment district which provided widening of I-580 and 4 new interchanges to mitigate the traffic impacts of this large employment area on the freeway system.

Contra Costa County has benefit districts for many areas that identify needed improvements to the highway system and collect a fee from the development. There is a sales tax program to Contra Costa County which include major highway improvements. This way the general public pays their fair share in addition to the specific benefit area improvements that are needed for new growth.

C92

The City of Stockton has an improvement fee to pay for the impact of traffic from new development on Freeway 99 and Interstate 5.

#### Recommendation:

The suggested method of funding using a benefit district would be administered by the County and the funds would be tied to specific highway improvement projects. There should also be a county wide improvement fee so that smaller developments will also pay their fair share of the traffic capacity needed for the traffic they add to the system.

#### JUSTIFICATION FOR HIGHWAY WIDENING BY DEVELOPER IMPACT FEES

The traffic impact of a land development is based on trip generation and distribution onto a network of streets and highways. The congestion level is measured before and after the development occurs and impacts and mitigation measures are developed. Large developments generate a measurable change in level of service on existing streets and often create the need for a new arterial street. Smaller developments add to the cumulative impacts which are added together and may require one or more lanes to be added to the facility.

C93

Peak hour trips are a measurable quantity that relates to the number of lanes needed on a facility. A benefit area can be drawn for each needed facility and the trips added can be related to the cost of the needed facility. The cost per peak hour trip would then be assessed toll development in the benefit area. For example, 2000 units create approximately 1400 in bound trips per peak hour in the peak direction and 600 trips in the off peak direction. This would require two additional lanes at a local road signal. If this traffic uses an on ramp and adds to a freeway or expressway one additional lane would be needed.

Mr. Russ Colliau

January 30, 1992

Page 8

Usually the freeway or expressway needs two lanes for interregional traffic in each direction and one or two additional lanes for local traffic plus auxiliary lanes. The need is usually from the residential area of a city to the employment area which may be the central business district or to an industrial/business park. This way the area of benefit is easily established for the residential end of the trip and the employment end of the trip.

Thank you for the opportunity to review and comment on the DEIR. We look forward to receiving the Final Environmental Impact Report when it is available. If you have any questions, please call Chris Sayre at (209) 948-7142.

Sincerely,



AL JOHNSON  
IGR Coordinator

cc: B Meays/SJCCOG  
K Walker/SJ Planning Dept.

**FAST FAX**

FACSIMILE TRANSMITTAL

CALTRANS STOCKTON  
DISTRICT 101976 East Charter Way  
STOCKTON, CA 95205DATE: 1-30-92

TO:

ATTENTION: Kelly WalkerORGANIZATION: S.J. Co Planning Dept.DEPARTMENT: PlanningFACSIMILE NUMBER: (209) 468-3163 OR ATSSCITY: Stockton

FROM:

NAME: Chris SayreDEPARTMENT: Caltrans PlanningPHONE: 948-7142MESSAGE/INSTRUCTIONS: Please incorporate theseComments into the letter already sent

NUMBER OF PAGES TO FOLLOW: \_\_\_\_\_

NOTE TO SENDER: YOUR ORIGINALS WILL BE RETURNED IN MAIL UNLESS OTHERWISE SPECIFIED.

THIS FACSIMILE PHONE NUMBER IS: (209) 948-3631 OR 8-423-3631



AZEVEDO, Et. al.:

Following are some Mountain House DEIR comments for your perusal:

Opening paragraph including Mountain House (MH).

*Let us begin by acknowledging your recognition that all impacts to the State Highway System (SHS) must be mitigated.* This includes impacts to the point(s) of access interchanges (ICs), as well as impacts to the carrying capacity of the mainline freeways. The freeways which will be impacted by MH are I-205 in District 10 and I-580 in Districts 10 and 4 (Alameda County). The references to mainline impacts as a response to our comments on the ADEIR are a welcome addition to the DEIR. The ADEIR showed no perception that the mainline SHS would be impacted and that those impacts would require mitigation. We commend the County for recognizing that mainline SHS impacts are not excluded from CEQA requirements and we hope that other agencies will follow suit.

*We would like to state emphatically that "we have major concerns about the very significant impacts MH traffic will have on I-205* and to a somewhat lesser degree on I-5 and I-580 in District 10." We will defer to District 4 on the impacts to I-580 in Alameda County, which we also consider very significant. We are also concerned about the continuing trend of deferring resolution of impact mitigations to subsequent studies such as the Specific Plans (SP) and Project Study Reports (PSRs) referred to in the DEIR. We do recognize that these subsequent studies will be more detailed and based on more specific data. Our concern on deferrals to later studies is that time has the effect of sometimes diluting prior agreements and rendering them less binding and more vague. As time passes, new elected officials, new administrations and new staff make it more difficult to recall and follow-through on various specifics, no matter how well documented.

We would therefore request that the language referring to SHS impacts/mitigations (both IC area and mainline) be made as direct and specific as possible. We would further request that *a specific reference to future resolution of SHS mitigations be included in the Board's "Resolution of FEIR Certification"*. We feel this will help to ensure that direct and specific mitigations included in the FEIR will remain more binding and valid over time.



Direct and specific mitigations spelled out clearly in the FEIR will aid in the preparation, agreement on, and approval/adoption of future SPs and PSRs (and any subsequent Cooperative Agreements). This should smooth out the process of implementing MH development to the mutual benefit of all involved parties. This FEIR specificity should be particularly beneficial to "new players" that will obviously come on board during the buildout phases of this very ambitious project. We would like to emphasize very clearly, ***"District 10 approval of future PSRs will be contingent on resolution of all SHS mitigations deferred to subject PSRs"***.

It is District 10's position that those impacting the SHS be required to mitigate those impacts based on traffic loadings on the system. This should result in a proportionate ***"fair share"*** whereby all developments ***"take care of their own"***, hopefully resulting in ***"equity for all"***.

We view impacts as using up any existing or planned future reserve capacity, or further impacting an already undesirable LOS on the SHS. Thus, mainline SHS mitigations become a straightforward computation of the project's related traffic proportion (percentage) of freeway lane capacity at the required standard (concept/threshold). This means we expect mainline mitigations for MH impacts to be based on their traffic generated and distributed to I-205 at the Patterson Pass IC and possibly at Grant Line Road IC in Tracy (via Byron and Grant Line Roads). Any impacts to I-580 at the Patterson Pass Road IC would be premised on the same approach. Again, we defer to District 4 on impacts to I-580 via the Grant Line Road IC in Alameda County. Assessment of MH "fair share" SHS mitigation costs is the responsibility of the County via a mechanism of their choice, such as their existing traffic impact fee program.

With SHS impacts/mitigations being based on traffic loadings distributed to the SHS, it becomes obvious that agreement on traffic assignment is of utmost importance. This brings up the issue of traffic distribution and assignment and our major concerns relative thereto:

- First, we feel that the "Proposed Project Scenario" (PPS) is not realistic with respect to a jobs/housing balance and the "entirely self-contained community concept". In particular, we would

suggest that the 70 percent generated trips remaining internal borders on the ridiculous. The comparison with the City of Tracy seems particularly invalid with respect to internal and external traffic distribution. Tracy is a pioneer city consisting of old and new residences, as well as old and new employment. MH will be a community of new/new with respect to both employment and residential areas. A more valid comparison, particularly for Tracy's home-based work related trips, would be an analysis of only their more recent residential development (Say since the early to mid-1980's) of comparable cost to that anticipated for MH.

- Another issue that would seem to require a "reality check" is that of MH employment intercepting future workers that would otherwise be commuting west over the Altamont to jobs in the Tri-Valley and San Francisco/East Bay Areas (it seems the sponsor's consultant referred to this as "replacement traffic"). While this sounds great in theory, current work related travel habits and patterns would seem to contradict this theory.
- This same "reality check" needs to be applied to the percentage of MH traffic distributed to/from the west via I-580/Altamont Pass. The percentages of both total and work daily trips to the west (Tables 14-9 & 14-10) seems unrealistic, and when combined with the 70 percent internal for the PPS results in "Project Only" traffic shown on Figure 6A. The 4000 ADT for year 2010 MH traffic on I-580 over the Altamont seems ridiculously low for a New Town of about 47,000 population. The minus (-) 500 ADT shown on I-205 west of Patterson Pass Road borders on the comical. We seem to recall a somewhat recent study (SJ COG?) that indicated about 70 percent of new Tracy area development work trips to and from the west via Altamont Pass.



COUNTY OF ALAMEDA  
PUBLIC WORKS AGENCY

399 Elmhurst Street • Hayward, CA 94544-1395  
(510) 670-5480

January 28, 1992

Kitty Walker, Senior Planner  
San Joaquin County Community Development Dept.  
1810 E. Hazelton Avenue  
Stockton, CA 95205-6232

Dear Ms. Walker:

Subject: Draft EIR for Mountain House New Town General Plan Amendment

Reference is made to your December 13, 1991 referral of the subject document for review and comments.

The following comments are presented for your consideration in the preparation of San Joaquin County Community Development Department's Environmental Impact Report for the Mountain House New Town General Plan Amendment:

1. The report estimated that the Mountain House Development will generate by 2010, 249,000 trips/day under the Proposed Project Scenario, and 177,000 trips/day under the Market-Constraint Scenario. According to Table 4.14-9 in the report, 11% under the Proposed Project Scenario and 19% under the Market-Constraint Scenario, of the generated traffic will have destinations west of the project site through Altamont Pass. Based on these projected data, please justify the project-generated traffic on I-580 west of the project site in Figure 4.14-6A and Figure 4.14-6B. Similarly, please justify the projected average daily traffic volumes on I-580 west of the project site in Figure 4.14-7A, Figure 4.14-7B, Table 4.14-12A, Table 4.14-12B, Table 4.14-13A and Table 4.14-13B. If a portion of the generated traffic is assumed to use Altamont Pass Road as a diversion route, please clarify and state the volumes of diverted traffic and generated traffic from the project that is projected to use Altamont Pass Road.

Similarly, please verify the projected traffic volumes from the project and with cumulative growth, using Altamont Pass Road, Grant Line Road, Mountain House Road and Byron Road in Figure 4.14-8A, Figure 4.14-8B, Figure 4.14-9A, Figure 4.14-9B, Table 4.14-14A and Table 4.14-14B.

C101

C102



Kitty Walker

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January 28, 1992

2. The report assumed a 60%/40% directional split of future traffic and a peak hour traffic ratio of 9.5% to ADT on freeways based on assumptions of more employment in San Joaquin County and successful TDM efforts. Relative to the existing 80%/20% directional split on I-580, these assumptions appear to be overly optimistic. It is recommended that the report also study the network and make plans under a less optimistic scenario that is closer to the existing condition. C103
3. The magnitude of the subject project is so large that it may affect the I-580 mainline traffic beyond the area west of Vasco Road. The subject project, along with the other development activities going on in the Cities of Livermore, Pleasanton and Dublin, will significantly affect the future level of service along I-580 and its interchanges. Therefore, it is recommended that the report extend the study area for cumulative traffic growth along I-580 to westerly of the I-580/I-680 interchange. C104
4. The report showed unacceptable level of service along I-580 and other freeways in the future. Although the report mentioned the preparation of Project Study Reports, Infrastructure and Financing Plans as needed mitigation measures, it did not identify the necessary freeway mainline and interchange improvements to bring the freeway system to acceptable level of service in the future. It would be important at this time to know if such necessary freeway improvements are economically and environmentally feasible before we can determine if the project's traffic impact is mitigable. C105
5. Please show the future level of service at local roads and intersections. C106
6. Future traffic diversion from I-580 to Altamont Pass Road will require widening and reconstruction of the existing road. Contrary to the data in Table 4.14-2, a major portion of Altamont Pass Road west of Mountain House Road has a design speed of 45 MPH or less because of the winding alignment. Also, Altamont Pass Road carries a large volume of waste-transport trucks because it provides the only access to the Oakland Scavenger Co. Landfill Site on Altamont Pass Road. The pavement on Altamont Pass Road was overlaid several years ago for the operation of waste-transport trucks. The future increase in traffic due to the subject project and other developments may dictate the need to realign and reconstruct the roadway in addition to any needed widening for capacity and bicycle route. A feasibility study is recommended to affirm that the realignment and widening of Altamont Pass Road is feasible because of the existing physical and environmental constraints. Also, the cost of the improvements should be better defined by more accurate estimates. C107
7. Altamont Pass Road is on Alameda County's Bicycle Master Plan. This Agency supports the report's recommendation of providing a continuous bicycle route along Altamont Pass Road. C108



Kitty Walker

3

January 28, 1992

8. Alameda County owns the abandoned Southern Pacific Railroad for a future light rail/transportation corridor.

It is recommended that the General Plan Amendment address, delineate and utilize the Alameda County's Altamont Transportation Corridor for light rail/transit system.

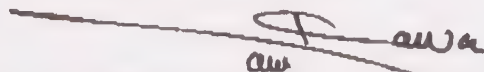
9. It appears that unless I-580 is fully mitigated to operate at a satisfactory level of service in the future, there will be traffic diversion from I-580 to Altamont Pass Road that will justify the need for additional lanes. The suggested improvements on page 4.14-52 for Grant Line Road between the project site and I-580 alone would not be adequate to alleviate the need for widening on Altamont Pass Road. The same discussion would apply to page 4.14-50 of the report.

10. Please identify the route assignment of generated traffic from the project site to Contra Costa County and verify the traffic impact and mitigation requirements on Byron Road, Vasco Road, etc. There is an ongoing project for the relocation of Vasco Road by the Contra Costa Water District.

11. Any Project Study Report(s), Specific Plans, Infrastructure and Financing Plan for improvements (I-580, I-205, Altamont Pass Road, Grant Line Road, Mountain House Road, Byron Road, etc.) within Alameda County should be reviewed by and coordinated with Alameda County before approval.

12. Potential noise and air quality impacts along networks in Alameda County should be studied and mitigated by realistic and do-able measures.

Very truly yours,



OUSAMA H. KAWAR  
COUNTY ENGINEER

TMC:JP  
A50993

cc: Adolph Martinelli, Alameda County Planning Director  
Donald LaBelle, Alameda County Director of Public Works

Public Works Department

255 Glacier Drive  
Martinez, California 94553-4897  
FAX: (415) 313-2333  
Telephone: (415) 313 2000

January 29, 1992

J. Michael Walford  
Public Works Director

Milton F. Kubicek  
Deputy Director

Maurice E. Mitchell  
Deputy Director

Kitty Walker  
Senior Planner  
San Joaquin County  
1810 E. Hazelton Avenue  
Stockton, CA 95205-6232

RE: Mountain House New Town Draft EIR

Dear Ms. Walker:

The proposed Mountain House New Town is adjacent to and will significantly impact transportation in Contra Costa County. Please notify the Public Works Department of all future transportation plans, studies, and reports regarding this project. We have reviewed the Mountain House New Town General Plan Amendment DEIR and have the following concerns and comments:

1. Construction of the proposed East Contra Costa County Airport has been approved by the Contra Costa County Board of Supervisors and the initial funding has been allocated by the federal government. The DEIR should discuss the location, size, and operation of the proposed airport. Also, since the location of the proposed airport is approximately five miles from the Mountain House New Town, the DEIR should discuss the noise impacts of the airport and the traffic impacts of trips generated to and from the airport from Mountain House.
2. The description of State and Regional Highways does not include a discussion of the relocated Vasco Road, the proposed Delta Expressway, State Route 84, and the proposed State Route 239.
3. The traffic analysis of the DEIR evaluates weekday a.m. and p.m. peak hour traffic and average daily traffic. However, there is significant weekend traffic that should be included in the DEIR traffic analysis. The proposed Mountain House New Town is located near the Delta recreation area in Contra Costa County which will attract trips via Byron Highway on the weekends. The proposed Los Vaqueros Reservoir Recreation area will also attract trips from Mountain House. However, the most significant weekend traffic occurs on eastbound Interstate 205 during the p.m. peak hour.
4. It is unlikely that the Mountain House New Town will achieve a jobs versus housing balance that would result in 75% of the daily trips remaining within the project. If a significant number of the Mountain House population commutes to employment centers in the Tri-Valley area or beyond, will there be a significant passenger demand to warrant commuter rail in the inactive Southern Pacific Railroad corridor, owned by Alameda County? Also, would there be any passenger demand for commuter rail service on the Souther Pacific railroad from the project site to Pittsburg? These alternatives should be evaluated.

C114

C115

C116

C117

5. The DEIR proposes setting aside land for a future multi-modal, transfer station site that will accommodate passenger rail service via the Altamont Pass. Would this same station also accommodate passenger rail service via the Southern Pacific line to Pittsburg? C118
6. On page 4.14-59, Mitigation Measure 4.14-5(a) states that Byron Road would not require capacity improvements as a result of this project. However, the DEIR states that in 1995 the project will increase the traffic volume on Byron Road by 66% and that Byron Road will need to be widened from two lanes to four lanes. Therefore, Byron Road does require capacity improvements as a result of the Mountain House project and this project should contribute its share of funding based on traffic impacts. C119
7. On page 4.14-63, it is stated that "The Market-Constraint Scenario would contribute less than one percent to future 2010 cumulative volumes on Byron Road northwest of the project site (Table 4.14-15B). This increase is considered a less-than-insignificant impact." This analysis is incorrect and the traffic impacts on Byron Road in Contra Costa County generated from this project will be significant. Referring to the Market-Constraint Scenario, Table 4.14-15B, it seems false that the 2010 traffic generated from Mountain House on Byron Road, northwest of Mountain House Road, is only 200 vehicles per day in both directions. What happened to the 1,300 vehicles using Byron Road in 1995? It is very unlikely that in the year 2000 not one vehicle from Mountain House will use Byron Road north of Mountain House Road. With every phase of this project the trip generation increases and the traffic volumes on Byron Highway should increase. Does the future daily traffic on Byron Highway include traffic to and from the proposed airport? The traffic volumes in Table 4.14-15A are also misleading. C120
8. Regional trip distribution, including trip distribution from the project to Contra Costa County, was not discussed in the DEIR and should be added to the final DEIR. C121

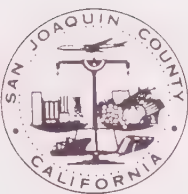
Please send the Public Works Department the final DEIR and the responses to comments when they become available. If you have any questions regarding these comments or need additional information, please contact me at (510) 313-2382.

Very truly yours,



Lowell Tunison  
Senior Civil Engineer  
Major Projects





SAN JOAQUIN COUNTY  
DEPARTMENT OF PARKS AND RECREATION  
4520 W. EIGHT MILE ROAD, STOCKTON, CALIFORNIA 95209, (209) 953-8800

January 23, 1992

M E M O R A N D U M

TO: Kitty Walker, Senior Planner  
FROM: Jeff Smith, Park Planner  
SUBJECT: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT MOUNTAIN  
HOUSE NEW TOWN GENERAL PLAN AMENDMENT SCH #90020776

After reviewing the above document the Department of Parks and Recreation agrees with the identified impacts and proposed mitigation for parklands.

The Department would require that specific language be added to the final document that addresses the financing of Regional and Community park and recreation facilities. The specific plan must provide a legally binding mechanism to fund the acquisition, development and on-going costs for all recreation and park facilities. Formation of a County Service Area, Parks and Recreation District or other mechanism will be necessary. This issue was included in the mitigation measures, however, no specific plan was recommended.

The project developer may wish to consider development of the proposed 18 hole golf course and donating it to the County. This would ensure unrestricted access to the facilities and provide a revenue stream to support maintenance of regional parks impacted by the project. The inclusion of the golf course in the Regional Park system would also help offset deficiencies in Regional Park acreage.

If you have questions or need further information, please call me.

JS/emk  
MHREV.PLN

C122

C123



# ALAMEDA COUNTY PLANNING DEPARTMENT

399 Elmhurst Street, Hayward, California 94544

(415) 670-5400

January 30, 1992

Kitty Walker  
San Joaquin County Community Development Department  
1810 E. Hazelton Avenue  
Stockton, CA 95205-6232

RE. DEIR for Mountain House New Town General Plan Amendment

Dear Ms. Walker:

Thank you for the recent referral of the Draft Environmental Impact Report for the Mountain House New Town General Plan Amendment.

While on the whole we found the Draft EIR document objective and well-written, County staff has the following comments:

1. Although we agree that the Reduced-Scale Alternative has many of the environmental advantages associated with a smaller development, the reasoning behind the identification of the Reduced-Scale Alternative as the environmentally superior alternative is not evident. In fact, the evidence suggests that the North Livermore Alternative would be a considerably better alternative than either the Proposed Project or the Reduced-Scale Project in terms of meeting project objectives while reducing or avoiding major environmental impacts. As noted in the DEIR, development of the North Livermore site as a project alternative would:
  - . be more fully consistent with project objectives than either the proposed project or the Reduced-Scale Alternative (see Table 5.1-1);
  - . remove only 275 acres of prime soils from production in comparison to 3,600 acres (proposed) or 1,424 acres (reduced-scale) and would require considerably fewer cancellations of Williamson Act contracts;
  - . have considerably less impact on biological resources, unlike development of the proposed project site which is habitat for several State and Federal protected wildlife species;

- . avoid exposing future residents to pesticide and herbicide soil residues, unlike the proposed project site which has a history of herbicide and pesticide applications to the site's agricultural lands;
- . improve the jobs/housing balance for Alameda County (by providing needed housing) and for San Joaquin County (by not providing additional excess housing);
- . eliminate projected project-related traffic congestion on I-580 at Altamont Pass by as much as 17,000 daily trips (as predicted under the market-constraint scenario); and,
- . reduce projected traffic congestion on I-580 in Livermore-Amador Valley due to the proximity of the North Livermore site to the eventual BART extension to Livermore.

The DEIR analysis describes 1) the presence of the Federal Communication Commission's (FCC) Monitoring Station, 2) potential lack of available water, and 3) potential lack of wastewater disposal capacity as constraints which could ostensibly preclude use of the North Livermore site. For reasons listed below, we believe these factors cannot be considered significant constraints to development of North Livermore as an alternative site:

- . FCC Monitoring Station - The DEIR states that the one-mile radius setback for industrial and high density residential land uses recommended by the FCC to mitigate electrical interference with the monitoring station would "significantly reduce the developable acreage on the site" and that expanding development into the adjacent hillside areas "could have numerous impacts related to visual quality, drainage, slope stability, and grading." To correct this erroneous conclusion, we would like to point out that low and medium density residential, sporting greens, and other low intensity land uses proposed by the project and conforming to FCC recommendations could be accommodated within this one mile zone adjacent to the monitoring station. Land use compatibility issues in terms of the effects of the facility on adjacent residential uses would probably be limited to intermittent disruption of TV and radio receptors of several minutes once a week as the station is currently operated.
- . Water Supply - The DEIR states that there would not be an adequate water supply to serve the North Livermore alternative project site. This conclusion

C124

C125

C126

misrepresents the issue. Due to the complexities of the water equation and the importance of future decisions made outside of the local water agency's control, the adequacy/non-adequacy question of the water supply for a project of this size and scope at the North Livermore alternative site is no less clear at the present time than the adequacy/non-adequacy of the water supply at the proposed Mountain House site.

C126

Wastewater Treatment and Disposal Capacity - While the DEIR does not identify wastewater capacity as an insurmountable constraint to the North Livermore alternative, it suggests that serious treatment and disposal problems could occur. Again, this conclusion misrepresents the issue. The Tri-Valley Wastewater Authority is currently exploring several options for increasing sewage export capacities from the Livermore-Amador Valley that could accommodate a project of this size at the North Livermore site.

C127

2. There is a discrepancy between the Table 6.1-1 Cumulative Project List and Figure 6.1 Cumulative Project Locations, i.e. what are projects 16, 17, and 18 identified on the map? If the project area was defined as that area within a 20 mile radius of the project site, why wasn't the proposed New Jerusalem community adjacent to Tracy (a distance of 10 miles) included in the cumulative project list?

C128

3. Many mitigation measures are suggested for the Specific Plan stage of development. While this may be appropriate for detailed design issues, it may not be appropriate for major questions, such as the availability of sewage treatment capacity. The DEIR states that a surface-disposal system is being proposed, using 1,377 acres on-site and 600 acres of farmland to the west in Alameda County. (Figure 4.4-3 appears to be inaccurate in that it shows that the majority of reclaimed wastewater irrigation area occurring on land in Alameda County.) Some of the area in Alameda County designated for wastewater disposal is shown on Figure 4.1-3 as land under Williamson Act Contract for which notices of non-renewal have been filed. This suggests that use of the land for irrigated farming is not the long-term intent of the property owner(s). The DEIR should contain mitigation measures to ensure that lands necessary for reclaimed wastewater irrigation are not developed in the future.

C129

4. "Growth Inducement" is recognized as an impact in the body of the report but is not listed in the summary. Although the proposed 1,000 foot buffer along the San Joaquin County side of the county line could reduce land use compatibility impacts between agricultural lands in Alameda County and proposed urban development in San Joaquin

C130

County, proposed mitigation measures for the effects of growth inducement on Alameda County agricultural lands in the project vicinity lacks adequate detail. Mitigation measure 4.1-2(e) in the Land Use section should provide additional information on the establishment of and funding mechanisms for an Agricultural Land Trust that could be applied to lands in Alameda County.

C130

We have just received the San Joaquin County referral regarding the Mountain House Mitigated Plan and will send the County our comments prior to February 24, 1992.

Sincerely,



Adolph Martinelli  
Planning Director

cc:

Members of the Board of Supervisors  
Steve Szalay, County Administrator  
Don La Belle, Director of Public Works



Community  
Development  
Department

County Administration Building  
651 Pine Street  
4th Floor, North Wing  
Martinez, California 94553-0095

Phone: (510) 646-2035

Contra  
Costa  
County

Harvey E. Bragdon  
Director of Community Development

January 21, 1992

Ms. Kitty Walker  
Senior Planner  
San Joaquin County  
Community Development Department  
1810 Hamilton Avenue  
Stockton, CA 95205-6232

Dear Ms. Walker,

Thank you for the opportunity to review the Mountain House New Town Draft Environmental Impact Report. The Mountain House project would have substantial environmental impacts on Contra Costa County, if approved, and in some cases off-site mitigation measures may be appropriate.

On page 4.1-14 it states that this project could create pressures on adjacent lands in Alameda County to develop. No mention is made of the same pressures on Contra Costa Lands to the north. Why was it assumed this type approval wouldn't lead to similar type requests in our county since the largest portion of the Byron Bethany Irrigation District is within Contra Costa County. This needs analysis and potential mitigation measures need to be suggested.

On page 4.1-15 the mandatory findings for cancellation of Williamson Act contracts are listed. The Draft EIR fails, however, to discuss the EIR consultants impartial analysis of these potential findings. It is imperative for the Final EIR to contain specific discussion of each of these proposed findings as it would relate to the Mountain House proposal.

On page 4.1-18, mitigation measure 4.1-2(a) suggests a 1000 foot-wide buffer area be created on the western boundary of the site with Alameda County. From the discussion it appears the impacts on Contra Costa agriculture would be similar. Why wasn't the mitigation measure written to include the same buffer from the County's point of contiguity? Mechanisms to insure the buffer zones long term effectiveness such as the applicant acquiring and deeding development rights of the buffer zone to San Joaquin County should be considered as a project requirement. Only a permanent commitment to limiting the size of the new town can minimize, even partially, the growth inducing impacts on adjacent jurisdictions.

On page 4.2-6 the Draft EIR incorrectly states the Contra Costa General Plan designation immediately adjacent to the site. It is Delta Recreation with a 20-acre minimum lot size.

C131

C132

C133

C134

A major limitation of the Draft EIR is it's failure to provide an indepth discussion on the levee stability of this area. The Delta in general is subsiding, has high liquification potential, and for added measure may be subject to the secondary effects of water rise due to the greenhouse effect. The Draft EIR on page 4.7-5 through 4.7-7 gives a perfunctory discussion to the issue of flooding. The impact on project residents to a flood goes beyond the impact on structures to access to medical services in a flood situation, to loss of power, emotional stability, etc. More is needed than to suggest that all that is needed is to take the area out of the 100 year flood zone, is to raise the height of structures by 1 foot or by improving levees to FEMA standards. The first suggestion still leaves the potential for the area to flood (while protecting living spaces) with roads and community facilities potentially flooded. Improvements to FEMA standards is a complex subject and has secondary impacts along the waterways. Additionally, this issue wasn't discussed in the public safety section of the document. A major effort needs to be given to this issue in the Final EIR.

C135

On page 4.3-14 the document indicates the services of the marine patrol would be inadequate to serve the project. Since the waterways in the area are at the junction with our County, the impact would also extend north into our inadequate patrol resources area. The Final EIR should extend mitigation measure 4.34-2(b) to consider funds to Contra Costa sheriff marine patrol to have San Joaquin marine patrol provide patrol services within Contra Costa waterways under special arrangement with our Sheriff's Office.

C136

The Transportation section on the DEIR should consider the following:

- Existing LOS. On page 4.14-8, Figure 4.14-4, the figure suggests LOS for a.m./p.m. peaks. However, Table 4.14-2 indicates the inclusion of the a.m./p.m. peak hour factor with a single LOS, so the split LOS as C/C, for example, represents LOS for both directions, not a.m./p.m. as the figure illustrates. It should state LOS directional (i.e., EB/WB or NB/SB).
- Land Use Assumption. The DEIR assumes only a 44% employment growth for the development as opposed total (100%) potential employment for development buildout. Since East Contra Costa County is continually growing, this 44% assumption seems unlikely. There should be an explanation for the reduced figure for employment, especially when there are major residential developments occurring and a proposed regional airport just northeast of the development in Contra Costa County. These factors combined would probably stimulate employment growthbeyond the 44% expectation.
- Land Use Inputs for the Analysis Years. On page 4.14-16, concerning populations and employment growth, the DEIR stated: "Land use inputs to the model were estimated . . . within and outside the County over the 1990-2010 time period." Since these estimates drive the model, an appendix explaining the method of these projections for population and employment should be included, along with the projection figures for this development area and adjacent counties.

C137

C138

C139

- Road Facilities Assumptions. Road improvements have a significant LOS impact on the model network for current and future years. Also in an appendix, these road improvement assumptions should be identified. This is significant to Contra Costa County because the County is currently undergoing modeling efforts, with road improvement assumptions that may not coincide with the GPA development or visa versa. C140
- Trip Generation Rates. On page 4.14-17, the DEIR stated using ITE Trip Generation, 4th Edition (1987); yet in Table 4.14-3 (next to that statement), it referenced using the 5th Edition (1991), and this 5 Edition was referenced throughout the DEIR. C141
- Trip Distribution Patterns. Since trip distribution determines the general direction of development trips, what were the distribution assumptions for Byron Highway? Vasco Road? These assumptions should be identified and explained. C142
- Traffic Assignment. Vasco Road is a north/south arterial that traverses the County to I-580; yet traffic assignment was lacking in the analysis. This is essential since the GPA will have regional impacts, and this facility is a proposed Route of Regional Significance. C143
- External Stations. This GPA will have significant regional impacts in several counties. Currently, Contra Costa County has four subareas undergoing modeling efforts. Were these model assumptions allocated into external stations for East Contra Costa County and Tri-Valley area for the GPA model? If not, were any assumptions outside San Joaquin County included in external stations to the Model? If so, to what extent and identify in appendix. C144
- Caltrans Route Concept. Caltrans has published Route Concept Reports for Routes 84 and 239. Both will regionally tie East Contra Costa County to I-580 from State Route 4. Of particular importance is Route 239; the GPA neglected to discuss the importance or say anything about this facility as it relates to the development. This GPA would encroach on the southern portion of the corridor that Contra Costa County has included in its unconstrained General Plan. The DEIR should discuss both routes, especially Route 239 and consider right-of-way reservation provisions for this regional corridor. Moreover, the GPA should consider both routes as separate model runs in tandem with the development to determine the impacts thereof. C145
- Biking/Hiking/Riding Trails. The development has proposed internal trails only around the development. These trails do not connect with the Southern Pacific Railroad and California Aqueduct right-of-ways. The utilization of these right-of-ways for trails would not only factor alternative commute modes regionally, but also provide regional recreation as well. C146



- The potential for out-of-County mitigation fees to assist in funding state and local routes needs to be considered as a mitigation measure to help offset project commute hour impacts especially for I-580, Byron Highway, and the Delta Expressay.

Increasingly, Contra Costa County is requiring large developers to meet a 25% housing affordability requirement. Consideration of such a mitigation measure should be given in the population, housing and employment chapter of the report.

The issue of sensitive species needs to be examined from a larger geographic area than just the project site, since impacts extend over a larger area. Of particular concern is the San Joaquin kit fox. For projects to the north, this County has been informed by State and Federal regulatory agencies, that the Byron area is occupied habitat for the kit fox and that a 3 to 1 mitigation ratio needs to be maintained in the area. That is 3 acres of permanent preserved area is required for every acre impacted. How do State and Federal requirements for the kit fox relate to this project since Figure 4.13-7 clearly shows this is a occupied habitat? Mitigation Measure 4.13-1(e) isn't really a mitigation measure and defers action which should be known prior to project approval (Sundstrom decision). Could approval of the general and/or specific plan without a kit fox mitigation plan be considered a "taking" under endangered species law?

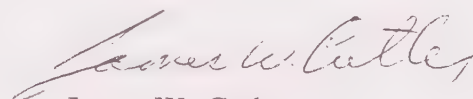
The impacts of the project on water quality as it relates to pumping additional water out of the area canals under BBID contract needs a vigorous analysis. Such withdrawals need to be reviewed in terms of the specific impacts on the fish and wildlife living in the area. Are the Sacramento Delta smelt located in the area and will there be any impact on this recently designated species? What is the impact on winter water rights?

The air quality impact is very weak. It is well understood that inland valley areas are susceptible to severe air quality problems due to increased growth. The impact analysis looks at the site specific impacts but totally overlooks the cumulative impacts of growth-related potential emissions in San Joaquin County and the Central Valley. With 4 other new towns proposed within the County, in addition to substantial city growth, the cumulative impact may lead to significant impacts. The final EIR needs a cumulative impact analysis and to outline specific mitigation measures to offset the impact rather than the wish list on pages 4.15-10 and 4.15-11. Failure to have such indepth cumulative analysis creates a major flaw in this document.

It should be noted that the reduced-scale project would minimize many of the impacts on Contra Costa County and might be preferable from that perspective.

If I can help interpret these comments feel free to call me at (510) 646-2035.

Sincerely yours,



James W. Cutler  
Assistant Director of  
Comprehensive Planning

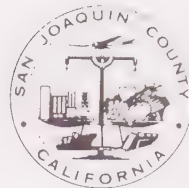


# AIR POLLUTION CONTROL DISTRICT

David L. Crow  
Air Pollution Control Officer

P. O. Box 2009 (2321 W. Washington St., Suite I) Stockton, CA 95201  
209/468-3470

January 29, 1992



Kitty Walker  
Senior Planner  
San Joaquin County  
Community Development Department  
Planning Division  
1810 East Hazelton Avenue  
Stockton, CA 95205

**SUBJECT: REVIEW OF DRAFT ENVIRONMENTAL IMPACT REPORT MOUNTAIN  
HOUSE NEW TOWN GENERAL PLAN AMENDMENT SCH# 90020776**

The District has reviewed the final environmental impact report for the mountain house new town project - document file no. SCH #90020776.

The District has the following comments and recommendations:

1. San Joaquin County's air quality relative to National and State Ambient Air Quality Standards has been designated as a non-attainment area by the California Air Resources Board as follows:

- PM-10 - Non-attainment
- CO - Non-attainment (for Stockton Metropolitan Statistical Area only)
- Ozone - Non-attainment (possible SIP call area)

The California Clean Air Act, AB 2595, requires counties which are designated non-attainment to achieve a 5% annual reduction in emissions until the standards are met.

2. The mitigation measures stated in the draft environmental impact report should include, but not be limited to those measures. The mitigation measures selected for certain projects will complement land use decisions made by planning agencies in attempting to mitigate any significant environmental impacts to a less than significant level.

3. The San Joaquin Valley Unified Air Pollution Control District has stated in the 1991 Air Quality Attainment Plan that its goals are to reduce emissions through the "all feasible control measures" strategy. As a result, there is clear applicability of specific projects, i.e. the Mountain House New Town Project to implement all feasible mitigation measures to reduce the emissions associated

C153

C154

with this proposed project pursuant to the District's 1991 Air Quality Attainment Plan. In addition to the mitigation measures as stated in the draft environmental impact report, the District recommends the implementation of all feasible mitigation measures to include, but not be limited to:

- (1) The implementation of traffic flow improvements by the developer,
- (2) The implementation of traffic signal synchronization programs by the developer,
- (3) Providing regional transit services and support facilities with pedestrian access between such services and major points within the project,
- (4) Provide Park & Ride lots,
- (5) Provide conveniently located retail markets, i.e. supermarket to serve the anticipated population and thereby reducing the vehicle miles travelled,
- (6) Provide school facilities within a close proximity (2 miles) of the population center of the project,
- (7) Provide low Nox burning water heaters and space heaters,
- (8) Installation of natural gas fireplaces,
- (9) Installing center lanes and left turn lanes,
- (10) Installing traffic signals at the appropriate places,
- (11) Ensuring surface street ingress and egresses are of sufficient width to avoid congestion,
- (12) Ensuring educational material regarding ridesharing is distributed to each new homeowner,
- (13) Providing neighborhood parks,
- (14) Installation of a comprehensive bicycling path, Class I, II, or III,
- (15) Providing electric lawnmowers and electric blowers with the sale of each unit,

(16) Stubbing a natural gas line to the backyard of each home for a barbecue unit or the installation of an electric barbecue unit to avoid the use of charcoal burning units.

C154

4. A substantiation of the twenty to thirty five percentage reductions in emissions from the implementation of mitigation measures necessitates quantification. Implementation of all feasible mitigation measures will be the necessary and appropriate approach in mitigating any potential significant adverse air quality impacts to a less than significant level. These mitigation measures will need to include the measures as supplied in the draft environmental impact report and other recommended mitigation measures such as listed in this written response.

C155

5. As state in the response to the notice of preparation, applicants should be aware of the PM-10 Fugitive Dust Rule and the Indirect Source Review Rule, both of which are currently proposed by the District for adoption in the near future. Both of these rules may affect the applicant's project. A copy of these rules is available upon written request to the District.

C156

6. As stated in the response to the notice of preparation, emissions generated during the construction/grading process are of concern to the District. The attached dust control practices shall be implemented if and when construction/grading takes place.

C157

7. As stated in the response to the notice of preparation, the District foresees a problem with Carbon Monoxide and fine particulate matter (PM-10) if the Project includes the burning of wood in fireplaces and stoves. The new EPA certified fireplace inserts have been shown in laboratory with emissions of particulate matter ranging from 70% to 90% less than conventional stoves. Installation of EPA certified fireplace inserts and stoves is recommended as a mitigation measure for Carbon Monoxide and PM-10.

C158

8. As stated in the response to the notice of preparation, rules and regulations of the New Source Review Rule will apply to certain commercial and industrial sources. Equipment which causes or has a potential for air pollution or has equipment for the controlling of such air pollution may need to apply for an Authority to Construct and Permit to Operate according to the rules and regulations of the San Joaquin County Zone Unified Air Pollution Control District. It will be the source's responsibility to be in compliance with these rules and regulations prior to operation.

C159

9. It shall be a condition of approval for applicants to notify the District in writing with respect to the actual date of construction/grading one week prior to said activities. Please address the communication to the District and under the attention of the planning section.

C160


10. Projects shall maintain adequate record keeping of mitigation measures, if applicable for the Air Pollution Control District staff in making scheduled or unscheduled inspections.

C161

11. Necessitated regulations and programs are forthcoming in the future to help the county and the valley to achieve its annual five percent reduction in pollutants. Proposed programs and regulations affecting certain sources are referred to in the attachment. This attachment is not an all-inclusive list of sources affected, it is necessary for project applicants to refer to the adopted 1991 Air Quality Attainment Plan and the requirements thereof pursuant to AB 2595, the California Clean Air Act.

C162

The District appreciates the opportunity to comment. If you have any questions regarding this matter, please do not hesitate to contact David Kwong at (209) 468-2327.

  
Lakhmir Grewal, Director  
Air Pollution Control District  
San Joaquin County Zone

LG/DK

Attachments



SAN JOAQUIN VALLEY UNIFIED  
AIR POLLUTION CONTROL DISTRICT  
SAN JOAQUIN COUNTY ZONE  
Suggested Mitigation Measures

- A. Emissions generated during the construction process are of concern to the District. The following dust control practices should be implemented:
- 1) All material excavated or graded should be sufficiently watered to prevent excessive amount of dust. Watering should occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day.
  - 2) All clearing, grading earth moving or excavation activities shall cease during periods of high winds greater than 20 mph average over one hour.
  - 3) All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
  - 4) The area disturbed by clearing, earth moving or excavation activities should be minimized at all times.
  - 5) The developer should mow instead of disking for weed control, thereby leaving the ground undisturbed and with a mulch covering.
- B. After clearing, grading, earth moving, or excavation operation, fugitive dust emissions during construction phase should be controlled by the following methods:
- 1) All inactive portions of the construction site should be seeded and watered until grass growth is evident.
  - 2) All active portions of the site shall be sufficiently watered to prevent excessive amount of dust.
- C. At all times fugitive dust emissions should be controlled using the following procedures:
- 1) On-site vehicle speed shall be limited to 15 mph.
  - 2) All area with vehicle traffic should be watered periodically for stabilization of dust emissions.
  - 3) Use of petroleum-based dust palliative shall meet the road oil requirements of the District's Rules 409.5 Cutback Asphalt Paving Materials.
  - 4) Streets adjacent to the project site should be swept as needed to remove silt which may have accumulated from construction activities.
- D. At all times, ozone precursor emissions should be controlled by the following methods:
- 1) All internal combustion engine driven equipment should be properly maintained and well tuned according to manufacturer's specifications.
  - 2) During the smog season (May through October), the construction period should be lengthened so as to minimize the number of vehicles and equipment operating at the same time.

CALIFORNIA CLEAN AIR ACT  
PROPOSED 1991 AQAP  
AFFECTED SOURCES

NO NET INCREASE IN EMISSION PROGRAM

NEW AND MODIFIED SOURCE REVIEW

EMISSIONS REDUCTIONS CREDITS BANKING

COMMUNITY BANKING

ADHESIVES

AIRCRAFT FUEL STORAGE AND REFUELING

ASPHALT APPLICATION

ASPHALT BATCH PLANTS

BOILERS - LARGE, STEAM GENERATORS, AND PROCESS HEATERS

BOILERS - SMALL, PROCESS HEATERS, AND DRIERS

CHARBROILING, COMMERCIAL

COATINGS & INK MANUFACTURING

COATINGS - AIRCRAFT AND AEROSPACE EXTERIORS

COATINGS - ARCHITECTURAL

COATINGS - CAN AND COIL OPERATIONS

COATINGS - METAL PARTS & PRODUCTS

COATINGS - MOTOR VEHICLE AND MOBILE EQUIPMENT REFINISHING

COATINGS - PAPER, FABRIC & FILM

COATINGS - PLASTIC PARTS

COATINGS - WOOD FURNITURE AND CABINETS

DRY CLEANING - PERCHLOROETHYLENE SOLVENTS

DRY CLEANING - PETROLEUM SOLVENT

INDIRECT HEAT TRANSFER FUEL BURNING EQUIPMENT

FUGITIVE EMISSIONS FROM PUBLICLY OWNED TREATMENT WORKS

GASOLINE DISPENSING - SMALL SERVICE STATIONS AND SMALL TANKS

GLASS MELTING FURNACES

GRAPHIC ARTS

HEATERS, RESIDENTIAL AND COMMERCIAL SPACE HEATERS

LANDFILL GAS CONTROL

MARINE VESSEL - LOADING OPERATIONS

MARINE VESSEL - TANKER BALLASTING

MARINE VESSEL - OPERATIONS

OIL PRODUCTION - CYCLICALLY STEAMED OIL WELLS

OIL PRODUCTION - DISCHARGE OF PRODUCED OIL/FLASHING LOSSES

OIL PRODUCTION - FIREFLOOD OPERATIONS

OIL PRODUCTION - GAS PLANT GLYCOL REGENERATORS

OIL PRODUCTION - OIL PIPELINE PUMPING FUGITIVES

OIL PRODUCTION - OIL WELL DRILLING AND WORKOVER RIG PISTON  
ENGINES

OIL PRODUCTION - OIL WELL POLISH ROD STUFFING BOX FUGITIVES

OIL PRODUCTION - SUMPS

OIL PRODUCTION - WELL CELLARS

ORGANIC LIQUID STORAGE  
ORGANIC SOLVENTS  
ORGANIC SOLVENTS - DEGREASING OPERATIONS  
ORGANIC SOLVENTS - SOLVENT WASTE  
PISTON ENGINES, STATIONARY AND PORTABLE  
POLYESTER RESIN OPERATIONS  
PRINTING OPERATIONS, SMALL  
RUBBER/PLASTICS MANUFACTURING  
SOIL AERATION  
STATIONARY GAS TURBINE ENGINES  
TANK CLEANING AND VENTING  
WASTEWATER SEPARATORS  
WATER HEATERS, RESIDENTIAL & COMMERCIAL  
WINERIES  
WOODBURNING - RESIDENTIAL FIREPLACES AND WOODSTOVES

ENHANCED DISTRICT CEQA PARTICIPATION  
AIR QUALITY ELEMENTS  
NEW AND MODIFIED INDIRECT SOURCE REVIEW  
SMOKING VEHICLES  
TRAFFIC FLOW IMPROVEMENTS  
SHORT RANGE TRANSIT  
PASSENGER RAIL  
RIDESHARE PROGRAM  
PARK AND RIDE LOTS: SUBURBAN AREA LOTS  
PARK AND RIDE LOTS: FRINGE AREA LOTS  
BICYCLING PROGRAM  
TRIP REDUCTION PROGRAMS  
PARKING MANAGEMENT: SUPPLY LIMITS  
PARKING MANAGEMENT: INCREASED PRICES  
TELECOMMUNICATIONS  
ALTERNATIVE WORK SCHEDULES  
FLEET OPERATORS ALTERNATIVE FUELS PROGRAM  
RAPID RAIL

# TRACY PUBLIC SCHOOLS

315 East Eleventh Street

Tracy, CA 95376-4095

Robin T. Blakley  
Assistant Superintendent  
For Business

Robert W. Price  
Assistant Superintendent  
For Instruction

Nicolas D. Ferguson, Superintendent  
(209) 831-5062  
FAX (209) 832-5068 Legal-Personnel  
FAX (209) 836-3347 Business Services

Douglas M. Gephart  
Assistant Superintendent  
For Personnel

Ray. M. Strong  
Assistant Superintendent  
For Student Services

January 27, 1992

Kitty Walker, Senior Planner  
County of San Joaquin, Planning Division  
1810 E. Hazelton Avenue  
Stockton, California 95205-6232

JAN 31 1992

**RE: Comments on the Draft Environmental Impact Report for  
Mountain House New Town General Plan Amendment  
SCH #90020776**

Dear Ms. Walker:

This letter conveys comments and concerns of the Tracy Joint Union High School District (TJUHSD) relative to the Draft EIR for the Mountain House General Plan amendment.

1. **Size of High School Campuses:** The DEIR shows two high schools campuses, at 40 acres each. TJUHSD has always requested that one campus include 45 acres. Five acres of the 45 would be used for a transportation/maintenance/warehouse facility to serve the two high school campuses in Mountain House. This need was originally stated in correspondence to Mills Associates; March 28, 1991.

C163

2. **Location of High School Campuses:** The Proposed Land Use Plan (Figure 3.7) in the DEIR shows one high school campus in the east-central section of the project area. This has been referred to as High School A. Figure 3.7 shows a commercial zone immediately south of the site. We would strongly recommend that no high school facilities be planned for areas in close proximity to commercial zoning. Such a situation not only creates an attractive nuisance for students, but may also restrict products and services that may be offered in the commercial center. We request that the site for High School A be moved to the northwest of where it is currently shown, perhaps in an area shown as residential in Figure 3.7.

C164

Figure 3.7 also shows the other high school - High School B - south of Grant Line Road. The existence of a neighborhood commercial zone diagonal to the site is not desirable. Experience in Tracy has shown that neighborhood commercial is perhaps the least desirable type of commercial development to be in close proximity to a school. Also, Figure 3.7 shows an elementary site abutting the high school site on the southeast corner. We do not believe this is a compatible mix of land uses, because of the resulting concentration of youth of such a broad range of ages.

C165

Since High School B is served by Grant Line Road - and this is



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January 29, 1992**

probably an appropriate situation for circulation/traffic needs - we request that the neighborhood commercial zone be moved farther to the west than currently shown, and that the elementary school be relocated to the south/southeast of where it is shown on Figure 3.7.

C166

Finally, because High School B is shown as being surrounded by Phase IV of the development, it would be difficult to provide the necessary utilities and circulation infrastructure at the site if it is developed in Phase III - as shown in Figure 3.8 (Tentative Phasing Plan). If the site were shown on the north side of Grant Line, it would remove our concern about being "out of phase" with surrounding development and about the elementary site to the southeast as well, but would put High School B adjacent to another elementary site. However, if that site could be shifted away from the high school - and the neighborhood commercial moved as well - High School B would probably be situated as advantageously as possible.

C167

Most of these concerns and suggestions were included in correspondence to Mills Associates; May 1, 1991.

**3. Distance of Project Site from Existing Schools:** Section 4.3.2 "Setting" states distances from the Mountain House project site to Tracy high schools. These statements are not correct. The distance from Mountain House to Tracy High School is 15 - 18 miles; the distance to Merrill F. West High School is 12 - 15 miles. These distance calculations should be used for all purposes in the future. This information was originally stated in correspondence to Mills Associates; March 28, 1991.

C168

**4. Policies on Provision of Bus Service:** Section 4.3.2 "Setting" also describes current policies on bus service provision. The information in the DEIR is incorrect. Bus service in the high school district is provided to students who live a) two miles or more from campus; and b) within the two-mile radius, in areas deemed by the School Board to have a serious lack of safe pedestrian circulation improvements. Areas affected by (b) are generally new subdivisions in such early stages of development that sidewalks are not in place to allow pedestrians to walk to the arterials surrounding the subdivisions. The list of such areas is constantly updated, and therefore, changes frequently.

C169

It is requested that these policies be used for any purpose in the future related to planning the Mountain House project.

**5. Assigned School:** Section 4.3.2 "Setting" states that children from the early stages of Mountain House development would be assigned to Tracy High School. (p. 4.3-7) The assigned school

C170

**Letter: Comments on the DEIR, Mountain House New Town; SCH#90020776  
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would be, in fact, dependent on the timing of the early stages of development.

The new high school - Merrill F. West - is due to open in August 1993. It is the District's intention to house students from the Mountain House development temporarily at Merrill F. West, because Mountain House will not begin to be inhabited until after August 1993. In the unlikely case that students living in Mountain House appear before August 1993, they would be housed - on an interim basis - at Tracy High School. This information was originally stated in correspondence to Mills Associates; March 28, 1991.

**6. Impacts and Mitigation Measures:** Section 4.3.2 "Impacts and Mitigation Measures", in the opening paragraph, adequately describes the impact of the Mountain House New Town on TJUHSD. However, thereafter, the text is less accurate.

a. Impact 4.3.2-1 addresses bus service, but fails to mention that bus service provided by TJUHSD would be seriously impacted by the growth in student population at Mountain House. As stated in correspondence to Mills Associates (March 28, 1991), "...the kinds of numbers being discussed for the Mountain House development will definitely require the acquisition of additional busses and transportation facilities."

A very detailed estimate of the anticipated impact was sent to Economic and Planning Systems on October 15, 1991. A copy of this correspondence is attached here. This estimate shows how the Mountain House development will generate the need for 35 vehicles of all types, at an estimated cost of \$1.5 million. The text of Impact 4.3.2-1 should be changed to include the impact on the TJUHSD transportation system.

b. Mitigation Measure 4.3.2-1 should also be reworded to include mitigation of the TJUHSD impact. As noted above, mitigation of this particular impact of Mountain House is estimated to cost \$1.5 million. A schedule of the kinds and numbers of vehicles needed, as well as the timing of necessary acquisitions and costs, was sent to Economic and Planning Systems on October 15, 1991. That information should be incorporated into this mitigation measure - either by presenting a new table, or by expanding Table 4.3-3 to include the submitted plan for mitigating the full impact of Mountain House on the District - and then referring readers to the expanded Table 4.3-3 in the mitigation measure. Of course, an altered Table 4.3-3 would probably require a new title.

c. Impact 4.3.2-2 states that the "first high school for the project would not be constructed until Phase II", and goes on to recommend that Table 4.3-3 would be a suitable plan to house

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January 29, 1992**

students from the Mountain House development. However, Table 4.3-3 shows construction of the first high school to begin during Phase I of the project. The District provided the information in Table 4.3-3 and would request that the statement in the narrative section of Impact 4.3.2-2 be changed to agree with Table 4.3-3. The basic information in Table 4.3-3 was provided in correspondence to Mills Associates; March 28, 1991.

C173

d. Mitigation Measure 4.3.2-2 should make reference to the full scope of activities necessitated by the development of the Mountain House project. These activities include the provision of portable classrooms at one of the existing campuses, the acquisition of property within the Mountain House project area, and the phased construction of two large campuses, including the facility for the transport/maintenance/warehouse center. This reference might best be achieved by including the expanded Table 4.3-3 (suggested in 6.b. above) in the DEIR.

C174

e. All comments regarding Impacts and Mitigation Measures should apply to the Summary, Table 2.1 (p. 2-10), as well as the material in Section 4.3.2.

C175

**7. Relationship between Build-out of Mountain House Project and Construction of Merrill F. West High:** It is requested that the paragraph on p. 4.9-19 be changed to clarify the nature of the indirect impact of Mountain House on the construction schedule for Merrill F. West High. Use of the term "indirectly delaying" in the opening sentence of the paragraph would help clarify matters. Also, it would probably help to insert, somewhere in the paragraph, the premise that the revenue from the existing CFD is increased almost completely by the construction of new homes on land within the CFD.

C176

Thus, the relationship between these two projects is summarized as: construction of Merrill F. West is dependent on revenue for the existing CFD; revenue from the CFD is dependent on new homes built within the CFD; if the number of new homes built within the CFD is slowed by competition from the building of new homes in the Mountain House project, then there would be a decrease in revenue growth in the existing CFD. This decrease in revenue growth could possibly negatively affect the construction schedule for Merrill F. West since there would be less revenue available than originally planned to fund that construction.

**8. Costs of School Mitigations:** TJUHSD requests that the line in Table 4-10.1 referring to the preliminary total cost of school facilities be changed to two lines. One line could refer to K-8 facilities, while another should refer to facilities for grades 9-12. This change is requested to provide clarity and distinctness to

C177



**Letter: Comments on the DEIR, Mountain House New Town; SCH#90020776  
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the two districts' needs.

The attached table summarizes the activities TJUHSD will need to undertake to mitigate the impacts of the proposed Mountain House development. Cost estimates are also shown. The data in the table were submitted to Economic and Planning Systems on October 15, 1991, in a different format. Another difference between those data and the attached table is that the table shows phase-by-phase totals.

C177

Since TJUHSD has provided a fairly detailed estimate of all types of impacts from Mountain House on district facilities, including timing and cost data, it is requested that these data be included in the EIR at some point. Perhaps an expansion of Table 4.10-1 would be an appropriate location for this information. Again, this request is made to add clarity to the basis for the needs TJUHSD would experience if the Mountain House project is built.

Also, school impact fee estimates should be divided between the districts. As an estimation of the division, the policy of the two affected districts is that the K-8 district receives 75% of school impact fee revenue while the 9-12 district receives 25%. (Please note that the current draft of the table shows the school impact fees on the wrong line of the table completely.)

**9. Estimates of Revenue from School Impact Fees:** Section 10.20 of the DEIR provides an estimate of the fee revenue the affected school districts could anticipate from the development of the Mountain House project. TJUHSD believes this estimate is too high, and that more of the total needed financing than implied would have to come from a CFD or similar mechanism because actual fee revenue would be lower than estimated.

This belief is based on local experience, and is centered on the estimates of average square footage per type of dwelling unit. In particular, the low density and medium density square footage estimates appear to be quite high. We would recommend using 1800 square feet for low density and 1500 square feet for medium density. Use of the suggested estimators would significantly reduce the revenue estimate from this source. We do not wish to trivialize the amount of revenue that can be expected from school impact fees, only to bring the estimate into harmony with local experience.

C178

Again, this concern is based on the fact that the less school impact fee revenue is received, the more TJUHSD will be dependent on revenue from a CFD. It is our belief that Table 10.20-1 gives the impression that the necessary CFD would need less bonding



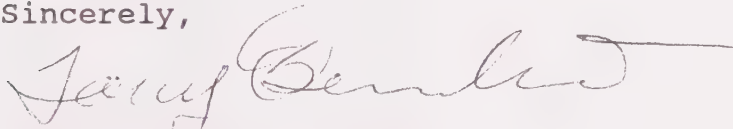
Letter: Comments on the DEIR, Mountain House New Town; SCH#90020776  
January 29, 1992

authority than it would actually need to fund all the facilities necessary to serve the Mountain House population. Since the planning effort for Mountain House appears to be very comprehensive, the anticipated size of a school facilities CFD should be clear from the outset.

Please make sure that the comments and concerns detailed here appear in the Final EIR for this project. Questions and comments should be directed to the undersigned in writing or at (209) 831-5032.

Thank you for your attention in these important matters.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tony Bernakis", with a long horizontal flourish extending to the right.

Tony Bernakis, Director  
Facilities Development

Summary of Mitigation Activities for  
TRACY JOINT UNION HIGH SCHOOL DISTRICT

MOUNTAIN HOUSE NEW TOWN  
GENERAL PLAN AMENDMENT

(in 000s of dollars)

Phase/ Cost	Portable Bldgs.			Land Acquisition	School Construc.	Support Construc.	Vehicle Acquisition
	Site Prep.	Utilities	Rental				
Phase I (through 1995)  \$ 7,410.3	25	44	163.8	6,750			Lrg Bus(4) - 328 SpecEd (1) - 35 Sm Bus (1) - 18 SrvVeh (1) - 22.5 PasVeh (2) - 24
Phase II (1996 to 2000)  \$42,671	12.5		315	6,000	35,000	785	Lrg Bus(4) - 328 SpecEd (2) - 70 Sm Bus (2) - 36 SrvVeh (5) - 112.5 PasVeh (1) - 12
Phase III (2001 to 2005)  \$24,683.5					23,450	785	Lrg Bus(4) - 328 SpecEd (1) - 35 Sm Bus (1) - 18 SrvVeh(3) - 67.5
Phase IV (2006 to 2012)  \$11,621					11,550		SpecEd (1) - 35 Sm Bus (2) - 36
ALL PHASES (through 2012)  \$86,385.8	\$37.5	\$44	\$478.8	\$12,750	\$70,000	\$1,570	\$1,505



# SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S PROBLEMS / PLANNING FOR TOMORROW

## FAX COVER SHEET

DATE:

January 30<sup>th</sup>, 1992

PLEASE DELIVER THIS MESSAGE TO:

Kitty Walker

FROM:

Paul

REFERENCE:

Mountain House DETR

TOTAL NUMBER OF PAGES SENT (INCLUDING COVER PAGE):

8

NUMBER DIALED:

468-3163

MESSAGE:

We will also be sending  
you a copy of this document  
in the mail.

FAX

(209) 931-1433





# SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S PROBLEMS / PLANNING FOR TOMORROW

January 30, 1992

Kitty Walker  
San Joaquin County  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205

Dear Ms. Walker:

The San Joaquin Farm Bureau was pleased with the DEIR as it correctly identified the major environmental impacts as: The loss of prime farmland, land use conflicts, water supply, discharge of treated wastewater into Old River, school sites adjacent to electrical transmission lines, the 100-Year Flood Plain, visual quality, financial impacts, the jobs/housing balance, housing affordability, biological, transportation, air quality and noise impacts. The Farm Bureau would like to thank you for this opportunity to comment on these major impacts and some other concerns that may have been overlooked.

The project proponents have indicated that they are looking at conceptual thinking to mitigate impacts while remaining a viable "New Town". They have also indicated that they have a means to mitigate most, or all of the major impacts associated with the project. It will be necessary to monitor the mitigating process to make sure this, or any of the other projects, remains viable after mitigating the adverse impacts mentioned. While the proponents are quick to point out the positive contributions this proposal may make to the economy, we must not lose sight of the potential downside of the fiscal analysis of the proposed town.

## Water Supply

The water supply for this project is a major source of concern for our organization. This is a topic that has been virtually ignored in all of the countless workshops held regarding the project and the General Plan 2010. As stated, this project site will be limited to the available supply of 8125 acre feet per year which is much less than the project demand of 10,391 acre feet per year. Without exception, 8125 acre feet should remain the limit for the site. If this means the project proponents will have to scale back their proposal, or more aggressively utilize wastewater recycling, then the viability of the project will have to be evaluated at that point.

The Mountain House proponents have indicated that they have riparian rights to the Old River or could explore groundwater

C179

C180

pumping to meet their demand for water. This is inconsistent with the County's position on water for new development. No changes or special provisions should be allowed for this or any other project.

C180

Winter water rights are another issue that must be addressed. Approval of this project is premature if the necessary winter rights have not been obtained. In addition, the proponents have indicated that they have filed for an additional 3500 acre feet of water to be obtained in the form of winter water rights. While we feel that these rights are necessary prior to the approval of the project, the additional request above 8125 acre feet is inconsistent with County policy and should not be allowed.

C181

As mentioned, the absence of a year round surface supply may force the proponents of the Mountain House project to consider utilization of groundwater from the area. Replacing surface water with groundwater is not an acceptable alternative. This will lead to the creation of an overdrafted groundwater basin. Groundwater usage in any of the projects should be accompanied by a comprehensive groundwater management plan to prevent overdrafting the basin.

C182

The San Joaquin Farm Bureau agrees that the annexation to the BBID should start immediately on the acreage outside of the district. We would recommend that this annexation be completed or some guarantee of annexation be issued prior to approving this New Town. Special consideration must be given to those current BBID customers to insure that this project will not result in rate increases. In addition, the treatment facility for potable water must be completed prior to the construction of any homes.

C183

Another discrepancy concerning water was unearthed in the DEIR for the project. According to the survey performed in the Mountain House area, many landowners wished to develop their property because lack of water and high operating costs make farming an unprofitable venture. If the water supply was so scarce that it incited area property owners to list this as a major obstacle to farming operations, maybe the proponents supply figures should be re-evaluated in the Environmental Impact Report.

C184

The San Joaquin Farm Bureau applauds Trimark's efforts for water conservation and wastewater reclamation. The installation of low-flow shower heads and toilets should not only be encouraged, but required. Wastewater reclamation should also be encouraged provided the potential adverse impacts are addressed.

C185

#### Wastewater Reclamation

The major concern regarding wastewater reclamation is the increased concentration of salts that are a by-product of the recycling process. These salts must be disposed of properly to prevent the contamination of surface and groundwater supplies. An implementation plan should be required by the applicant to insure area water supplies are not contaminated.

C186



The discharge of reclaimed wastewater must be monitored. The proponents have indicated that they would apply this water to the proposed golf courses, park areas, the Old River and in the wetland areas. A proposal to discharge this water on the wetlands restoration areas and in the Old River should be carefully evaluated as addressed in the DEIR. Again, contamination of surface or groundwater supplies must not be allowed.

C187

The installation of a dual line system to transport treated wastewater for landscaping purposes to homes should be further explored. The proponents have indicated that this alternative would be too costly to implement. However, this system would provide an alternative to applying the treated wastewater to the wetlands restoration area or discharging it into the Old River.

C188

#### One Hundred Year Flood Plain

One topic addressed in the DEIR that should be monitored is the presence of land within the 100-year flood plain. The San Joaquin Farm Bureau agrees with the recommendation that requires levee modification and reconstruction to remove the flood plain designation prior to the development of the property.

C189

#### Prime Farmland & Williamson Act Cancellations

The loss of prime land is an issue that will be debated throughout the hearing process. The proponents for the Mountain House project have indicated that this property should not be designated as prime farmland. However, this property has been designated prime by various agencies. Until such a time where an equitable farmland mapping system can be developed that would recognize the Mountain House project site as land other than prime, any debate of an alternative designation does not warrant discussion. The only potential evidence supporting the developer's claim is the lack of permanent crops located on the site.

C190

The DEIR states the loss of 3600 acres of prime farmland is a significant unavoidable impact with no means to mitigate the problem. If the County is truly into protecting its number one industry (agriculture), it could adopt various measures to preserve farmland and mitigate the loss of prime farmland. One possible means to preserve farmland in San Joaquin County would be the adoption of a farmland conservation ordinance that would require mitigation for conversion of farmland from any agricultural zoning to any non-agricultural zoning. For example, project proponents could be required to purchase conservation easements from a voluntary seller of similar soil and water supply or put the monetary equivalent in a mitigation bank for later use. Yolo County recently approved such an ordinance for a mitigation bank. For prime farmland, project proponents would have to purchase conservation easements for six acres of prime land for every one acre developed. Saying that the loss of prime farmland cannot be mitigated is a cop-out. It seems that San Joaquin County is not willing to consider the alternatives when it comes to mitigating the loss of Prime Farmland.

C191



Over 2900 acres of Williamson Act Contracts will be canceled to pave the way for this project. This is obviously a significant impact. While it remains to be seen whether the proponents can make the findings for cancellation, their impending non-renewal makes contract termination unavoidable. Remember one thing. This land, contracted or not, prime farmland or not, produced a total value to the economy of over \$10.5 million in 1990 according to estimates by the San Joaquin County Agricultural Commissioner. Remember what you will give up before you approve this project (\$10.5 million). This item also warrants discussion in the final EIR.

C192

### The General Plan

Several impacts were associated with inconsistencies with the current General Plan and the General Plan 2010. For example, this development will result in Leapfrog Development. In addition, approval of this community will encourage the future development of surrounding parcels and will result in the inevitable urban/rural conflicts that occur when projects are approved in agricultural areas.

C193

Another inconsistency with the General Plan is in the policies for New Towns. It states that housing must be provided for a variety and choice of housing for all socio-economic segments of the community. Clearly, the Mountain House Project does not provide this housing as stated in the DEIR.

C194

Additional impacts for development of surrounding properties can already be defined. There was a recent pre-application (GP-92-3) to build a retail commercial center next to the Mountain House project. This demonstrates the type of pressure area landowners will receive to develop their land. This would be next to a community designed to be fully self-contained.

C195

### Jobs/Housing Balance

The jobs/housing balance is covered extremely well in the DEIR. We commend the proponents for designating substantial acreage to those zones used in the creation of jobs. We would also like to commend those who had the courage to suggest that the project will not meet its goals for the creation of jobs by 2010. We agree that the 44% projected build-out in terms of commercial, industrial and other job producing designations will be of detriment to the County. Not only will this result in a further imbalance between jobs and housing, it will also result in a number of detrimental impacts including reduced air quality and significant transportation and fiscal problems. The proponents claim that if everything goes as planned that the acreage devoted to jobs in the project will be developed by the time the project is completed. The DEIR at least addresses some of the impacts if the project does not meet its goals.

C196

The San Joaquin Farm Bureau believes that the phasing of the homes within the project should be tied to the development and occupation of the acreage devoted to producing jobs (industrial,

C197

commercial, etc.). A plan needs to be developed and maintained to plan the stages of development to correspond to the occupancy of the job producing acreage. This will insure a jobs/housing balance throughout the life of the project.

C197

#### Wildlife

The DEIR brings to light the impact to wildlife habitat if this New Town is approved. The Audubon Society and other groups have commented on the loss of this habitat. It is good to see that agricultural land is not only recognized for producing farm goods, but it is also valuable and necessary in sustaining wildlife in California. If any mitigation should be required for wildlife in the Mountain House project, the proponents should be required to mitigate this loss within San Joaquin County and on land with similar characteristics. Conserving the proponents land in Alameda County is not an acceptable alternative as San Joaquin County will have no control over the future development of this property.

C198

#### Financial Impacts

The financial impacts, as addressed in the DEIR are clearly significant. The costs associated with infrastructure per unit are substantial and could impact the viability of the project. It was indicated that the financing plans will have to be refined in the Specific Plan. This is an impact that should be addressed prior to approval of the General Plan Amendment for the New Town. If current financing plans indicate that the Special Service District fees may be even higher than the property taxes, then this is clearly a significant impact that should be mitigated prior to approving the New Town.

C199

#### Fiscal Impacts

The DEIR discusses many of the fiscal impacts of this project. Impact 4.9-1 stated that the project may require more General Fund financed service expenditures than generated General Fund revenues. The San Joaquin Farm Bureau questions the timing of the corresponding mitigation measures. Again, these impacts should be mitigated prior to approval of the General Plan Amendment and adoption of the General Plan 2010.

C200

The impacts associated with police and fire protection service may need to be re-evaluated. The costs associated with providing each of these services seem to be understated. The costs should be compared to those costs for services provided by existing City's in San Joaquin County.

C201

As a self-contained proposed New Town, the San Joaquin Farm Bureau feels that the project should have an aggressive Source Reduction and Recycling Element. This plan should look to recycle everything from household waste to sludge. A plan is needed for the recycling of all wastes generated within the community.

C202

#### Affordable Housing

A lack of affordable housing is an impact that must be further evaluated. The average school teacher working in the Mountain

C203



House Schools will not be able to afford a house within the project. The largest portion of homes on the site are geared to these people who make from \$50,000 to \$69,999 per year. Will the jobs provided within the community pay these salary levels?

C203

#### Transportation

The San Joaquin Farm Bureau was alarmed at the figures discussed regarding the transportation and traffic impacts of the Mountain House Community. The project proponents have indicated that they should not have to pay more than their fair share of the cost for road improvements. The Farm Bureau would concur with this statement and we would ask the County to continue with its analysis of these costs to insure the proponents do indeed pay "their fair share."

C204

Utilization of a rail transport system should not only be discussed, it should also be required as part of the Mountain House project. This site has tremendous potential to effectively utilize existing rail systems to the Bay area and into Stockton. This potential should not be wasted.

C205

As a statement to the Planning Commission and the Board of Supervisors, the San Joaquin Farm Bureau must briefly address Air Quality in San Joaquin County. The County is already in non-attainment for various pollutants like PM-10. The biggest contributor to air quality problems in the valley is the operation of automobiles. Remember, when approving any of the projects you will increase pollution in San Joaquin County. The acreage taken out of production will no longer be producing oxygen from the variety of agricultural crops planted on site. The oxygen produced from agricultural practices combats the many pollutants produced in the operation of automobiles. By decreasing the agricultural acreage and substantially increasing the number of automobiles, the County air quality conditions will only worsen.

C206

#### General

The San Joaquin Farm Bureau was alarmed at two general issues that were discovered in the DEIR and the various workshops. Our organization is concerned with the General Plan process and the rules and regulations developed as a result of this process. These rules were evaluated over a long and extensive planning period to guide growth in San Joaquin County. Now the County is evaluating projects to see if they are in compliance with the General Plan. The Mountain House project is not consistent with various sections of the General Plan, as stated in the DEIR. Why is it, that any time a project in this County is being considered we change the rule to fit the project? The San Joaquin Farm Bureau feels that the project should conform to the rules.

C207

The proponents for the Mountain House project have acknowledged the General Plan inconsistencies at the January 16, 1992 Planning Commission Hearing. The gentlemen speaking also acknowledged that many of these inconsistencies can be mitigated to alleviate the problem. The gentlemen also said that with any

General Plan inconsistencies that cannot be mitigated, the proponents would have to "simply change the General Plan to remove the inconsistency." Again, here is a prime example of changing the rules to fit the project.

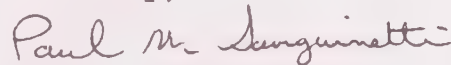
C207

The San Joaquin Farm Bureau is also alarmed at the number of significant impacts that have been deferred to the Specific Plan Stage of development. How can the County assess the viability of this project at the General Plan Amendment stage when approximately 40% of the mitigation measures have been deferred to the Specific Plan Stage? Our organization finds it hard to understand how the County could possibly approve a General Plan Amendment when there are so many impacts that need to be addressed like the lack of a certified year-round water supply for the site.

C208

To conclude, the San Joaquin Farm Bureau has spent the past several pages discussing what is wrong with the Mountain House New Town. We feel these impacts should all be considered when evaluating the project. We also realize that many of the impacts mentioned may be successfully mitigated to meet the County's needs. The San Joaquin Farm Bureau has not taken a formal position regarding the Mountain House project. We offer you these comments to assist in the evaluation of the proposal.

Sincerely,



PAUL M. SANGUINETTI  
President



January 29, 1992

► A Water Quality and  
Resource Management Project.  
Sponsored by  
Contra Costa Water District.

Kitty Walker, Senior Planner  
San Joaquin Co. Community Development Dept.  
1810 E. Hazelton Ave.  
Stockton, CA 95205-6232

Ref: Mountain House New Town Draft Environmental Impact Report

Dear Ms. Walker:

Contra Costa Water District has reviewed the Mountain House DEIR and believes that the statements regarding BBID's former interest in participating in the Los Vaqueros Project, paragraph 5, page 4.4-5, are subject to misinterpretation. CCWD requests that the following explanation be substituted for the existing language, starting with the fifth sentence of paragraph five.

BBID has evaluated several alternative institutional arrangements for water management for municipal and industrial use, including participation in the Los Vaqueros Project (LVP.) Both BBID and Trimark Communities discussed participation in the LVP with CCWD, but withdrew from negotiations in 1989. Since that time, CCWD has designed project alternatives and conducted environmental review of the project based on a planning area defined as the CCWD "service area" as of fall of 1989 (CCWD's existing boundaries and sphere of influence) and the areas that extend beyond this boundary that are within the planning jurisdiction of CCWD raw water customers." This area does not extend into San Joaquin County.

The forthcoming LVP Stage II DEIR/DEIS examines five alternative projects, all based on the planning area defined above. Any expansion of the planning area would require additional environmental documentation.

Thank you for the opportunity to review the Mountain House New Town DEIR. If you have any questions or need further information, please call Fran Garland, Associate Planner, (510)603-8312.

Sincerely,

  
John S. Gregg  
Program Manager

JSG/FG

cc: Jim Cutler, Contra Costa County Community Development Dept.  
Dennis McCormac, CCWD East County Liaison  
Fred K. Specht, BBID Manager

C209

# Airport Land Use Commission

County Administration Building  
651 Pine Street  
4th Floor, North Wing  
Martinez, California 94553-0095

Phone:

(510) 646-2091

Contra  
Costa  
County



Harvey E. Bragdon  
Director of Community Development

January 22, 1992

Kitty Walker  
Community Development Department  
County of San Joaquin  
1810 E. Hazelton Avenue  
Stockton, CA 95205-6232

Dear Ms. Walker:

RE: Comments on Draft EIR  
Proposed Mountain House New Town GPA

The project site is located within four miles of the East Contra Costa County Airport. See attached map. This public-use airport is presently under development and is principally intended to serve general aviation aircraft, but also ultimately transport and business jets. Development of the airport is guided by a 1985 Master Plan that was adopted by the Contra Costa County Board of Supervisors. The airport is owned and operated by the County. Ultimately, the plan will allow for the parking of 400 aircraft at the airport.

## Function of the Airport Land Use Commission

The Airport Land Use Commission is charged under State law with advising local agencies on appropriate land use policy for areas in proximity to the East County Airport. The Commission is principally concerned with protecting airspace; guarding against the introduction of noise-sensitive uses near the airport; and assuring the maintenance of public safety conditions around the airport.

To this end, the ALUC has adopted a Comprehensive Land Use Plan (CLUP) that defines a planning area (an approximate 3-mile radius of the airport) and provides specific land use policies intended to prevent land uses that might be incompatible with the planned airport.

## Concern with the Proposed General Plan Amendment

The proposed General Plan Amendment (GPA) lies within 4-miles of the planned airport, and 1-mile of the ALUC planning area. Our review of the project description for the proposed GPA indicates no obvious conflicts with the East County Airport CLUP. Still, we wish to take this opportunity to identify areas of possible concern.

- A. Frequent Overflight: The project site will be subject to frequent overflight. The project area is in proximity to the traffic pattern area for the planned airport. Runway 12/30, the principal runway for the planned airport, is aligned such that landing and takeoff approaches are likely to occur directly above the project area.

While significant noise levels are only expected within one-quarter mile of the airport site, outlying areas will also be subject to less than significant noise levels. The County's experience with Buchanan Field suggests that some land uses are more sensitive to airport operations even if the use is in a location where airport-related noise levels are not considered acoustically significant. We have found that a number of individuals (primarily residents) seem to be more sensitive to airport-generated noise than to similar noise levels from other sources. In the past, this has frequently resulted in complaints being registered (to local governments and the Airport Manager) about airport operations from individuals residing several miles away from the airport.

C210

Should there be any flexibility in the proposed plan, we would encourage provision of land uses which are less-sensitive to airport-related noise for the area nearest the airport.

- B. Structural Height Limits: As indicated above, the project site is located along the approach to the airport's major runway (not yet built), Runway 12/30. This runway will be capable of handling transport aircraft and business jets. The FAA approach surface for this runway extends 10 miles southeast of the runway end at a slope of 50:1. Projected out to the project site, the lowest point of the slope will be more than 400 feet above the ground elevation. From what we know of the proposed plan amendment, it seems unlikely that the proposed GPA will result in any use that might encroach on that approach surface. Still, we wish to call the presence of this approach surface to your attention for future planning considerations.

C211

Thank you for providing us an opportunity to comment on the Draft EIR. Should you have any questions, please call me at (510) 646-2091.

Sincerely,



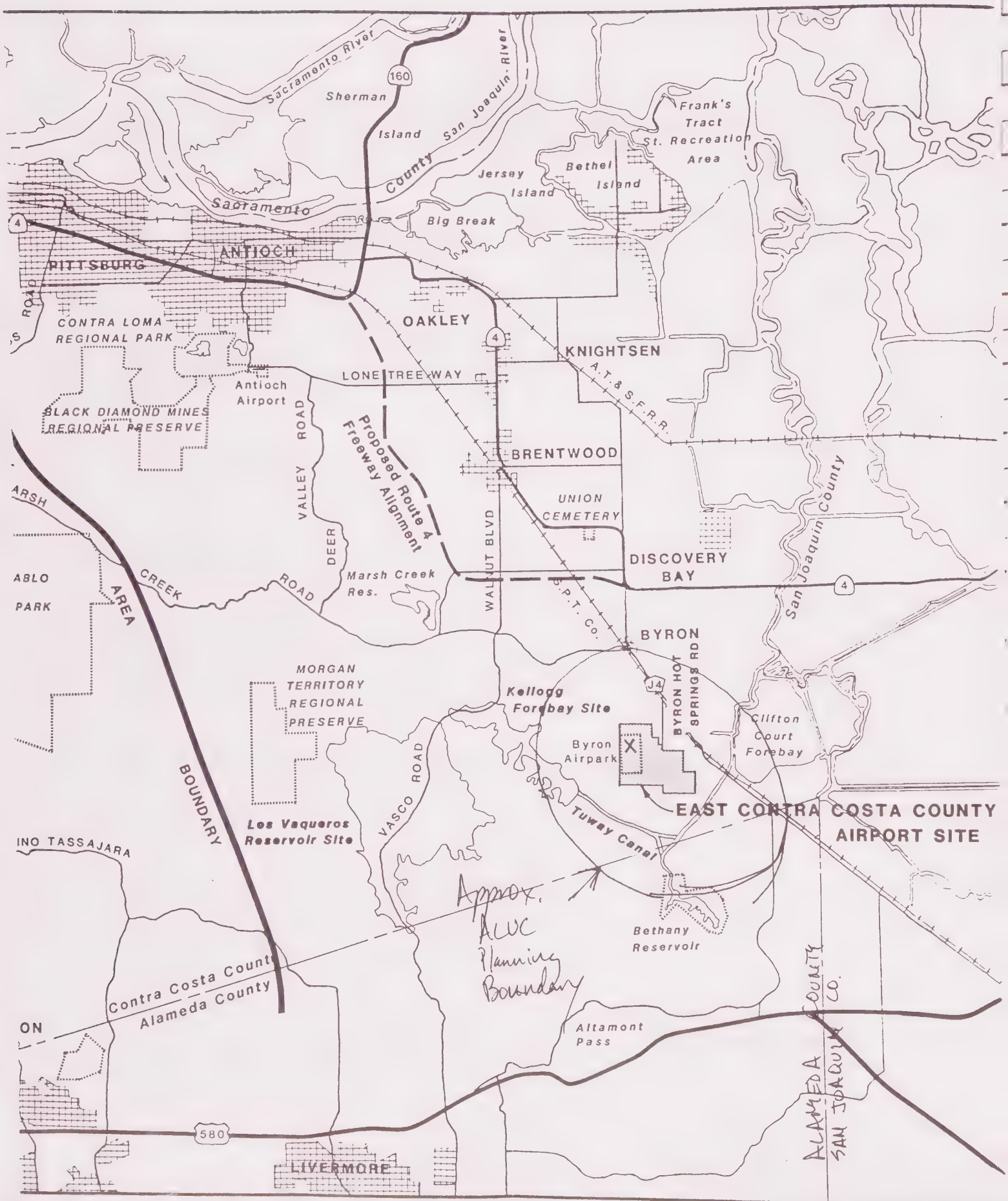
ROBERT H. DRAKE  
Senior Planner

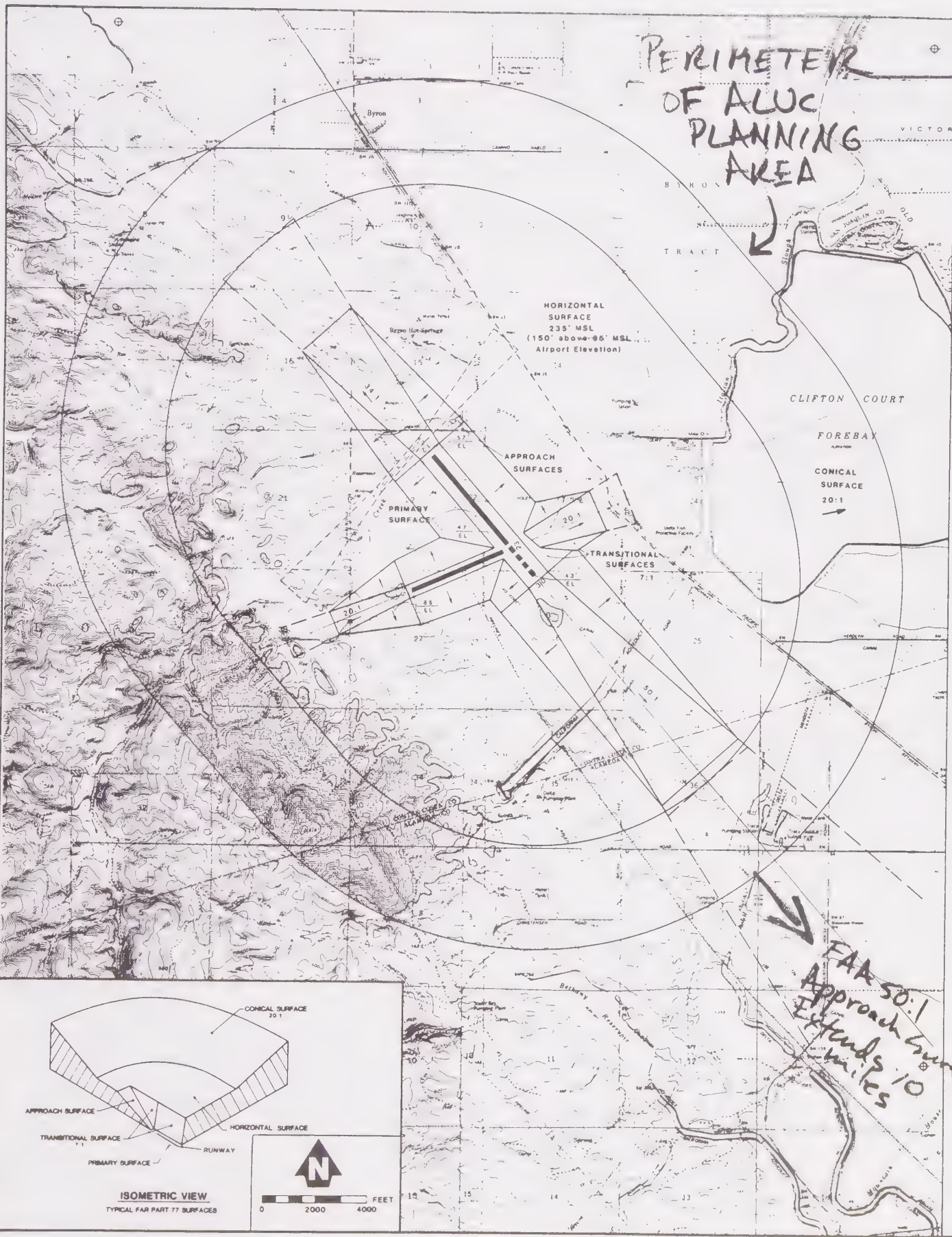
RHD/aa

ALUC12/GPA.RD

cc: Airport Land Use Commission  
Manager of Airports  
Jim Cutler  
File







PERIMETER  
OF ALUC  
PLANNING  
AREA

HORIZONTAL  
SURFACE  
235' MSL  
(150' above 85' MSL  
Airport Elevation)

APPROACH SURFACES

PRIMARY SURFACE

TRANSITIONAL SURFACES

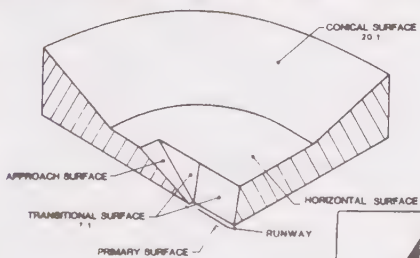
CLIFTON COURT

FOREBAY

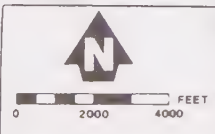
CONICAL SURFACE

20:1

FAA 50:1  
Approach Surface  
Extends 10  
miles



ISOMETRIC VIEW  
TYPICAL FAR PART 77 SURFACES





LOCAL AGENCY FORMATION COMMISSION

**LAFCO**

OF SAN JOAQUIN COUNTY

1810 EAST HAZELTON AVENUE  
STOCKTON, CALIFORNIA 95205  
PHONE: 209/468-3198

EXECUTIVE OFFICER  
GERALD F. SCOTT

LEGAL COUNSEL  
MICHAEL MCGREW  
DEPUTY COUNTY COUNSEL

COMMISSION MEMBERS

DOUGLASS W. WILHOIT, CHAIRMAN  
2nd DISTRICT SUPERVISOR  
JOAN DARRAH, VICE-CHAIR  
STOCKTON MAYOR  
DAVID C. ENNIS  
ESCALON MAYOR  
GEORGE L. BARBER  
4th DISTRICT SUPERVISOR  
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PUBLIC MEMBER  
STANLEY MORTENSEN, ALTERNATE  
PUBLIC MEMBER  
EDWARD A. SIMAS, ALTERNATE  
3rd DISTRICT SUPERVISOR  
WILLIAM L. PERRY, ALTERNATE  
MANTECA CITY COUNCIL MEMBER

January 28, 1992

Kitty Walker, Senior Planner  
SJC Planning Division

San Joaquin LAFCo staff has reviewed the Mountain House New Town Draft EIR and submits the following comments.

As identified in the DEIR, LAFCo will be a Responsible Agency for the Mountain House project and will consider the EIR when acting upon two stages of the approval process. First, the Commission will process the proposed annexation to the Byron-Bethany Irrigation District, and second, it will review the proposed formation of a Community Services District.

The BBID annexation would not only overlay 200 acres of the Westside Irrigation District, as discussed in the DEIR, but it would also overlay a small portion of the Plan View Water District. The Plain View overlap is a narrow strip of land along the north side of I-205, being a portion of APN 209-080-02.

Contrary to the statement on page 4.4-6, this office will initiate action through the Commission to request transfer of LAFCo jurisdiction over the BBID annexation. Since this proposal would simultaneously annex and detach territory involving three districts, it should be processed as a reorganization. In fact, if processed as a reorganization, it is believed that San Joaquin LAFCo would become the principal LAFCo with jurisdiction, and no transfer of jurisdiction is necessary.

Prior to approval of the BBID reorganization, San Joaquin LAFCo would have to amend its present Sphere of Influence for the three districts to include/exclude the affected territory.

Impact 4.1-1 identifies the loss of 3,600 acres of Prime Farmland as an unmitigated adverse impact. However, Mitigation Measures on page 6-5 states " San Joaquin County should consider imposing impact fees which can be used to purchase development rights or support land trusts." Therefore Mitigation Measures 4.1-1 should be expanded to accomplish at least partial mitigation by requiring the payment of an appropriate per acre mitigation fee to the San Joaquin Open Space and Farmland Trust.

C212

C213

C214

C215



Table 3.7 identifies LAFCo as having jurisdiction over the formation of Community Services Districts and Community Facilities Districts. LAFCo has no approval authority over Community Facilities Districts, and the table should be corrected. C216

Page 4.9-1 states that a Community Services District would be formed for specified services and that "Trimark is proposing that these services be financed, in all or in part, through a reallocation of property tax revenue." Upon formation of a district, LAFCo is to determine the amount of property tax allocated in accordance with Section 56842 of the Government Code. The formula provided determines the amount of property tax currently spent by the County for services that would be assumed by the district and no longer provided by the County. It appears, in applying the formula, that no property tax revenue would transfer to the CSD. The Final EIR should accurately estimate the property tax to be transferred, if any. C217

LAFCo, as a responsible agency, will require nine (9) copies of the Final EIR and a copy of the County's findings of fact and statement of overriding considerations.

Thank you for the opportunity to comment.

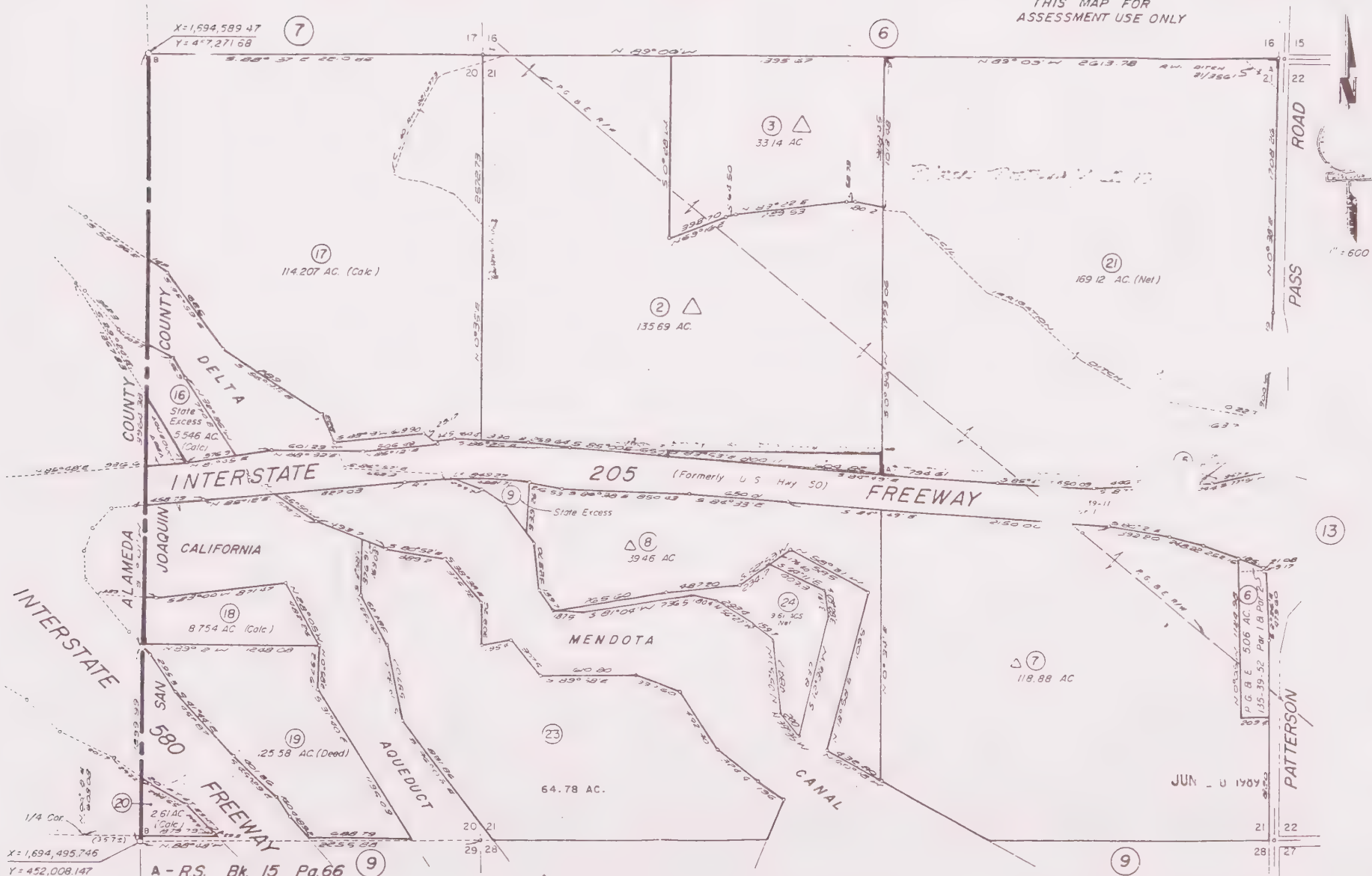
Sincerely,

  
Gerald F. Scott  
Executive Officer

GFS:as

c: Contra Costa County LAFCo  
Westside Irrigation District  
Plain View Water District  
Byron-Bethany Irrigation District

THIS MAP FOR  
ASSESSMENT USE ONLY



A - R.S. Bk. 15 Pg. 66  
B - R.S. Bk. 23 Pg. 1

△ WILLIAMSON ACT PARCELS

NOTE - Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 209 - Pa. 08

20	Southern Pacific R.R. Co.	24.656	50	Charles Spat
21	Charles H. & Johnnie A. Shults	5.938	51	Dwight T. &
22	Gaetano & Clothilde Zambetti	64.98	52	Fred S. & M
23	Gaetano & Clothilde Zambetti, John D. & Angela D. Zambetti	62.98	53	Owens Illino
24	Stephen J. & Judith G. Orsetti	20.298	54	Warren F. &
25	Rose Traina	56.55	55	Rose Sexton
26	Josephine Traina	60.723	56	Charles & M
27	Joseph P. & Carie L. Rinauro	22.554	57	F. Loyd Hugh
28	Tuso Farms, Inc.	127.878	58	Bertha G. R
29	Charles & Victoria Tuso	3.56	59	Earl H. Rhod
30	Salvador (Sam) & Marie Tuso	260.947	60	Jane Cheng
		(1)		George & Wah



1000 0 2000 4000 6000  
SCALE OF FEET

(2)

66

(3)



# LAFCO

LOCAL AGENCY FORMATION COMMISSION OF CONTRA COSTA COUNTY

ANNAMARIA PERRELLA, EXECUTIVE OFFICER  
(510) 646-4090

651 Pine Street, Eighth Floor  
Martinez, CA 94553

Nancy Fahden  
*County Supervisor*

Michael Menesini  
*Martinez City Council*

Susan McNulty Rainey  
*Public Member*

Tom Torlakson  
*County Supervisor*

Gayle B. Ullkema  
*Lafayette City Council*

Joseph Canciamilla  
*Alternate; Pittsburg  
City Council*

Don Miladinovich  
*Alternate; Public Member*

Robert Schroder  
*Alternate; County Supervisor*

January 23, 1992

Kitty Walker, Senior Planner  
San Joaquin Community Development Department  
1810 Hazelton Avenue  
Stockton, CA 95205

Dear Ms. Walker:

Thank you for the opportunity to review the Draft EIR on Mt. House New Town General Plan Amendment. This LAFCO's jurisdictional role is very limited and consequently my comments will be very focussed.

Page 3-23 states that no application would be received by this LAFCO until the Specific Plan stage. Presumably that means after a Specific Plan is adopted by the Lead Agency. The potential timing of an application needs to be clarified since this project impacts many agricultural uses and our LAFCO would want to be assured of San Joaquin County's commitment to such a project prior to consideration of this matter.

It should be noted that while the Contra Costa LAFCO might be the hearing body for consideration of the Byron-Bethany Irrigation District annexation, San Joaquin County will need to approve a property tax agreement prior to that matter being considered. It further needs to be pointed out that the Draft EIR has not discussed the existing sphere of influence for that district and that any annexation would need to be consistent with that sphere. Has the San Joaquin County LAFCO adopted a sphere of influence for the Byron-Bethany Irrigation District and if it has, how does it relate to this proposal?

The discussion on page 4.4-5 indicates the option of the use of Los Vaqueros Reservoir for storing water. I presume that there is no intent to utilize this EIR for that purpose, since that would raise a host of new significant environmental impacts and growth inducement issues not considered in this document.

On page 4.4-6 the document states that this LAFCO is the principal county and would administer the annexation. It goes on to state that the "San Joaquin LAFCO, however, does not prefer to transfer jurisdiction (Scott 91)." That needs clarification. Is that a staff position or has the Commission taken action to that effect?

C221

On page 4.4-7 it indicates that only 9 or 17 parcels outside Byron-Bethany Irrigation District are under applicant control. The Final EIR needs to examine whether those additional parcels should be added into this proposed boundary change and discuss the impacts of such a project modification.

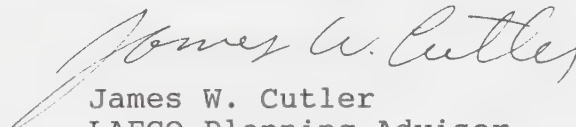
C222

On page 4.4-9 it states that water would go to higher use such as municipal/industrial users and the "supply for agricultural users may be severely limited." Mitigation Measure 4.4-13 to resolve this issue needs to be rewritten to be made more specific. This concern needs to be explored more fully in the growth-inducing section of the EIR.

C223

If I can be of further assistance in interpreting these comments please call me at (510) 646-2035.

Sincerely Yours,

  
James W. Cutler  
LAFCO Planning Advisor

JWC:th  
cc: Annamaria Perrella  
LAFCO Commissioners



# San Joaquin County Council of Governments

Member Agencies: Cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, Tracy, County of San Joaquin

January 17, 1992

Ms. Kitty Walker  
Senior Planner  
San Joaquin County  
Department of Planning  
1810 E. Hazelton Ave.  
Stockton, CA 95205

1992 JAN 23 1992

RE: Draft Environmental Impact Report for Mountain House New Town

Dear Ms. Walker:

Thank you for the opportunity to review the above noted document.

## 4.10 FINANCIAL IMPACTS

We have the following questions and comments relating to the financial impacts of Mountain House:

- ♦ Pg. 4.10-2. Estimated Project Costs and Table 4.10-1 (pgs. 4.10-3, 4.10-4).

- 1) What about costs not covered by county revenue sources?
- 2) Are the costs to affected neighboring transportation systems included in the estimated project costs?
- 3) Do these costs cover all of the capital cost-transportation mitigation that would be required as a result of the project?
- 4) Which project scenario are these costs associated with--the proposed project scenario or the market feasibility scenario?
- 5) In table 4.10-1, what happened to the traffic impact fee proposed by Mitigation 4.14-4? Is it included under "Development Agreement/County Fees?"

- ♦ Pg. 4.10-2. Estimated Project Costs. Second bullet. What exactly is meant by "regional roads and transit facilities?" Are these just important county roads? Please expand this bullet to provide a better description.

- ♦ Mitigation 4.14-4. (This measure actually appears in the Transportation section, pg. 4.14-54). We are quite pleased to see that the County would consider as mitigation a traffic impact fee to compensate the cities for the impact of New Town



development. A similar regional fee is being studied by COG as part of the County's Congestion Management Plan because of anticipated developments such as Mountain House, and because of anticipated development around existing cities. We think it would be appropriate to have a table in the financial section indicating the costs to be born by the cities to mitigate Mountain House's traffic impacts if such a fee is not imposed.

C226

- ♦ Pg. 4.10-5. Last paragraph before Impact 4.10-1. This notion may set a bad precedent. The costs roadway improvements, which are more likely project mitigation, should be born by the developer, and nearby non-project property owners should not, and perhaps cannot be forced to pay for any unintended benefits that result from a developer's compliance with CEQA law.

Also, once again, assuming that this is a discussion of the costs of the proposed project scenario, how much overstated would the financing burden be if the costs were applied to the market feasibility scenario with fewer occupied households to spread capital costs over? We think the third and fourth paragraph on pg. 4.10-6 captures our concern.

C227

#### 4.11 POPULATION, HOUSING, EMPLOYMENT QUESTIONS & COMMENTS:

The Council of Governments serves as the Census Data Center for San Joaquin County and prepares the County's state-mandated Fair Share Housing Plan. Our questions and comments on population, housing, and employment are as follows:

- ♦ The Final EIR should address the following three statements regarding the project as proposed. These imply that the County's policies and actions would be inconsistent if this project were approved.

1) Pg. 4.11-11. No housing would be supplied to persons making \$16,000 per year or less. As many as 1,600 of these units could be needed at buildout.

2) Pg. 4.11-11. Insufficient housing supply would be provided for households earning between \$16,000 and \$50,000 per year. The deficit of housing for this socio-economic strata could total as many as 4,890 units.

C228

3) Pg. 4.11-12. One of the policies that the County is applying to the new communities is that they must provide "a variety and choice of housing for all socio-economic segments of the community."

- ♦ Referring to #3 above, is this "variety and choice of housing" intended to be available on a per New Town basis, or will the choice be available across the breadth of the proposed New

C229

Towns?

♦ Pg. 4-11.13. Mitigation Measure 4.11-3: The proposed mitigation for the imbalance of housing for certain socio-economic segments calls for "guidelines for an affordable housing plan for a new community." This sounds like a good idea. Assuming that the "variety and choice of housing" is meant for a per project basis, the Final EIR should explain whether or not these guidelines will be retroactive in any way to Mountain House given the above information about the projects' proposed housing imbalance at buildout.

C230

♦ Pg. 4-11.13. Mitigation measure 4.11-3: Would it not be useful to tie New Town development to the overall requirement for housing development for all income groups as specified in the 1991, San Joaquin County Regional Fair Share Housing Plan? Why is the Regional Fair Share Housing Plan and its prescribed Regional Fair Share Housing Allocations not mentioned in the DEIR?

C231

♦ Pg. 4.11-2. Existing Jobs-Housing Conditions in San Joaquin County: Although there may not be comparable data for San Joaquin County, application of a 1.2 employed persons per household factor (Sacramento County) for San Joaquin County could be misleading. In economic terms, the urbanization pressures referred to are not truly similar between the two areas. In general, the Sacramento area has been positively influenced by expanding local and Bay Area labor markets, whereas San Joaquin County has been increasingly influenced by the Bay Area housing shortage. The Sacramento area is now an employment center of such diversity and magnitude that it is actually becoming a significant employment magnet to San Joaquin County residents.

C232

Examination of the economy by sector for San Joaquin County (REIS data) suggests a somewhat sluggish economic performance during the 1980s. We believe that a figure of 200,305 employed residents for San Joaquin County is probably reasonable, but only because of proximity to the Bay Area job markets, not because of similarities to the Sacramento Area economy. We recommend that you re-examine the "urbanization pressures" upon which the assumption of an average 1.2 employed persons per household is based.

♦ Pg. 4.11-7. Under Industrial and Commercial Market Feasibility. A general question with regard to the New Town justification in terms of economic development: Why would the rationale that jobs would follow housing not apply to other tract housing developments in the South County?

C233

Certainly the cities of Tracy, Lathrop and Manteca do not lack suitable sites for commercial development within reasonable proximity of new housing developments. And wouldn't these communities also offer the advantages of an infrastructure already in place, potential economies of agglomeration (existing storage and distribution centers at minimum), and a diverse population providing a potential labor pool? As cited in this paragraph, "The project site has no significant locational advantages compared to competitive business parks situated to the west, in the Tri-Valley area, or to the east, in the cities of Tracy and Lathrop."

C233

- ♦ Pg. 4-11.10. Mitigation measure 4.11-1 would be more effective if the ratio of one employed resident per job were changed to one locally employed resident per job.

#### 4.14 TRANSPORTATION RELATED QUESTIONS & COMMENTS

C234

The Council of Governments serves as the Regional Transportation Planning Agency and Congestion Management Agency for San Joaquin County. We offer the following transportation related questions and comments:

- \* Pg. 4.14-19. As we have stated in previous comments to you on the Proposed Project Scenario, the assessment that 71 to 75 percent of the trips would remain within the project site is incredibly optimistic. Consider the statement on pg. 4.11-11 that "the majority of persons potentially employed at the proposed project site would not be able to afford a majority of the project's housing stock." This would imply that a majority of potential employees would be "imported" to Mountain House and, therefore, a majority of employed residents would leave the project site to work. This would generate a significant number of internal\external trips that, added to other non-work related internal\external trips, might ultimately prove the DEIR projections wrong unless assumptions about transit use are optimistic as well. True?

C235

The Market Constraint Scenario, with half of all daily trips projected to stay on site, while more realistic, is probably still optimistic.

- ♦ Pg. 4.14-34. Third paragraph. There seems to be some confusion here. I-205 is the highest ranked highway priority in SJCCOG's FY 1993-99 Regional Transportation Improvement Program (RTIP), not the Regional Transportation Plan. The RTIP seeks to, in part, implement SJCCOG's 20 year Regional Transportation Plan. The FY 1993-99 RTIP is pursuing state funding to widen I-205, from 4 to 6 lanes, with structures for 8 future lanes, between the I-580\I-205 intersection and Eleventh Street, in FY 1997-98. Funding to widen the remainder

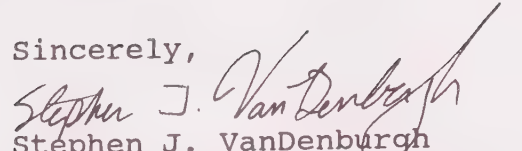
C236



Ms. Kitty Walker  
Mountain House DEIR  
January 17, 1992  
Pg. 7

hesitate to call me.

Sincerely,

  
Stephen J. VanDenburgh  
Associate Regional Planner

cc: Lakhmir Grewal, SJCAPCZ  
Dennis Azevedo, Caltrans District 10

# CITY OF TRACY

January 30, 1992

Mr. Stan Morri, Chairman  
San Joaquin County Planning Commission  
1810 E. Hazelton Avenue  
Stockton, CA 95205

Dear Mr. Morri:

Subject: Proposed Mountain House New Community Draft EIR

The proposed Mountain House New Community is only one of numerous urban projects within the southwest sub-region of San Joaquin County.

A brief summary includes urban development for Gold Rush City, Banta, New Town of New Jerusalem, Tracy Hills, expansion of Patterson Pass Business Park, Tracy Station and the Tracy Urban Management Plan. All of these are in addition to the proposed project for Mountain House.

A significant opportunity for mutual comprehensive planning between San Joaquin County and City of Tracy is being missed. Both jurisdictions are processing separate updates of their general plans while Mountain House is being processed twice by the County. This duplication of effort is unnecessary and likely to achieve incompatible plans.

# CITY OF TRACY

January 30, 1992

Mr. Stan Morri, Chairman  
San Joaquin County Planning Commission  
1810 East Hazelton Avenue  
Stockton, CA 95202

Dear Mr Morri:

Transmitted for your consideration is a detailed letter responding to the Draft Environmental Impact Report for the proposed Mountain House New Community.

This brief **EXECUTIVE SUMMARY** is intended to emphasize the most significant topical issues:

- A. Incremental project processing, the deferment of both impact analysis and thus mitigation negates the ability to have adequate information for understanding the project impacts.
- B. Insufficient market to support development is identified by the EIR consultant. There is no demonstrable demand for their project and existing communities and absorption rates are not supportable.
- C. Duplication of services, which exist in proximity, negates the intention to be cost efficient and effective.
- D. Significant deferred mitigation renders the EIR an ineffective decision-making tool. The existence of significant impacts which are to be addressed at future points negates the ability to truly understand the impacts of this project or the ability to effectively mitigate.
- E. Invalid Job/Housing assumption creates a set of assumptions on employment and transportation demands that simply cannot be met.
- F. Unrealistic high assumption for internal trips and intercepted trips is based on the use of assumptions that cannot be demonstrated using the suggested densities or experience of other new towns, thus understanding transportation demands and their resulting capital costs.
- G. Invalid fiscal assumptions for both cost and revenues by selective analysis and inadequate review of financial options based on understated demand negates the fiscal assumptions.



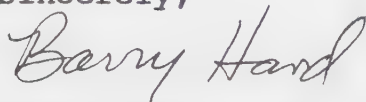
Letter to Stan Morri, Chairman  
San Joaquin County Planning Commission  
Subject: Response to DEIR - Mt. House Project  
January 30, 1992  
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- H. Insufficient analysis of impacts upon the City of Tracy. The document lacks any real identification or quantification of impacts or potential mitigation on the City of Tracy.
- I. Infrastructure requirements are under-estimated. The failure to thoroughly evaluate impacts and mitigations negates an effective infrastructure plan and understates the infrastructure costs that must be borne by the project.

C244

The City of Tracy looks forward to mutual resolution of these issues.

Sincerely,



BARRY HAND  
Community Development Director

Attachment

BH:kd  
03-0130.92  
MiscD

Letter to Stan Morri  
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The City of Tracy would prefer to utilize a cooperative process with San Joaquin County. However, in the absence of such a cooperative process, City of Tracy staff has reviewed the Draft Environmental Impact Report (EIR) for the proposed Mountain House New Community. The following comments are requested to be addressed in the Final Environmental Impact Report.

GENERAL COMMENTS

The EIR does not recognize the Tracy Urban Management Plan. This is a comprehensive program that establishes land use, infrastructure, and implementation for 115 square miles surrounding the City of Tracy. The Mountain House New Community Proposal and Tracy Urban Management Plan provide an opportunity for mutual cooperation and coordination between the City and County. This opportunity is being missed and will result in failed plans for both jurisdictions.

C245

The City of Tracy offers its Traffic Model and Fiscal Model as evaluation tools. It is imperative that both jurisdictions understand the impact their land use decisions have upon each other. To date, the EIR does not sufficiently reflect these impacts. For example, many impacts such as use of Tracy streets, parks, and library are included in estimates for Phase One Development. However, no proposed mitigation is suggested. This is likely to have a detrimental impact on both Tracy's level of service and budget.

C246

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The concept behind Mountain House as a new community is that it would stand alone as a separate self sufficient urban center. This assumption cannot be maintained given physical proximity to Tracy and the trend of historical development patterns. The proposal has already initiated growth inducing impacts which expand urban uses both south and east towards Tracy. As these proposed projects, such as the commercial power center (Tracy Station) immediately east of Mountain House and expansions of the Patterson Pass Business Park immediately south of Mountain House occur, it is very likely that no separation will be maintained over time. Although the EIR does propose mitigations which may have some success, such as habitat conservation areas and agriculture preservation funding, the project is so incremental, includes so much significant deferred mitigation, and includes substantial flaws in the economic analysis, all which will lead to the eventual inability to implement the proposed Mountain House New Community as a stand alone and separate community.

C247

The market assumptions for housing, commercial, and industrial absorptions are unrealistic given the historic trends. For example, Mountain House residential absorption is estimated at between 700 (Page 4.11-14, Footnote 3) and 941 (Page 3-16, Table 3.4; 16,003 divided by 17 years) new units annually. The following chart

C248



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illustrates single-family building permits for new construction within the City of Tracy as follows:

<u>Year</u>	<u>Tracy Building Permits</u>
1988	703
1989	1,391
1990	638
1991	429
1992	600 (estimated)

This illustrates that in three of the five years, less than 700 permits were issued in the region. Only 1989 exceeded estimates included in the EIR.

Based on these numbers of permits, it is Tracy's contention that there is insufficient market demand to sustain both the proposed Mountain House New Community and City of Tracy. As they compete with each other for a limited market, both will harm each other's ability to implement plans. Budgets, service levels, and fiscal implementation will be significantly impaired so that it is likely both Mountain House and Tracy will not achieve their planning programs. This is a significant impact which can only be avoided with Mountain House as a no project or Mountain House relocated to the Tracy Urban Management Plan area west of Corral Hollow Road. Both solutions are proposed as an Alternative Project within the EIR.

Mountain House as a stand alone community service district (CSD) is a duplication of urban services and continues the inefficient trend of

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special district proliferation. The City of Tracy currently provides an adequate level of municipal urban services to urban development within its 115 square mile Urban Management Plan. A CSD located on the far western portion of the Tracy planning area is an unnecessary and costly service duplication.

The Patterson Pass Business Park serves as a example. Approval of that industrial land use within unincorporated County jurisdiction included stand alone plans for water and waste water treatment. The project sponsors concluded that it would be more efficient, less costly, and more expedient to contract for services directly with the City of Tracy. As a result, sewer and water lines have been extended from the western portion of Tracy city limits to the Patterson Pass Business Park.

Within the analysis of Mountain House as a stand alone new community, there is no proposal for providing urban services which are more efficient and cost effective than currently provided by the City of Tracy. If Mountain House were to be served by a joint Sheriff/Fire Department, there could be substantial cost savings and efficiency in provisions of public safety. If fire protection is provided by mandatory interior fire sprinklers for all buildings, this would substantially lessen the demand on fire protection services.

C250

C251

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However, nowhere in the EIR are these types of efficient urban services proposed as mitigation measures.

A significant portion of the mitigation measures, forty (40%) percent by item count, are deferred to a subsequent planning process such as a specific plan or infrastructure plan. This provides a very weak decision making tool as there are too many contingencies and differed issues. True environmental impacts and the cost to mitigate those impacts cannot be determined with the proposed incremental processing of this General Plan amendment. Certification of an EIR with so many deferred items would render the fiscal and financial sections ineffective. In addition, there is no system in place to assure that all deferred items will be dealt with at a subsequent stage. Breaking up the proposed project into incremental stages for mitigation determination makes it difficult to determine what the actual project is. It is preferable to face the issues today.

The cumulative information available in the EIR is insufficient. Both the County of San Joaquin, and cities of Stockton, Lathrop, and Tracy all have substantial planning programs in process that add significantly to the land use and population capacity throughout the cities and county. These programs need to be referenced and included in the cumulative impact analysis.



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The proposed job/housing monitoring program is likely to be impossible to implement. Development proponents, financial lenders, and bond underwriters cannot assure long term financing with this type of artificial restraint. The historical pattern is that residential occurs first. Once it reaches a substantial market, then the commercial and industrial employment uses occur second. This then creates additional demand for residential which initiates the cycle again.

C254

Contained in the Stockton Special Planning Area Study Growth Phasing Options Report prepared by Lawrence Mintier and Associates, dated December 9, 1991, is a brief discussion of jobs/housing linkage. Page 5 quotes that, "These types of systems are really only feasible where commercial and office demand is very strong. Requiring residential developers to provide or attract employment generating uses is difficult because of the separate market forces which drive these different types of development. Linking housing development to job creation would likely slow residential development and could ultimately result in fewer jobs." The EIR depends on analysis which concludes that a job housing balance can be enforced. However, the likelihood of failure renders mitigation measures and economic assumptions invalid.

C255

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The same is true for the unrealistic high assumption for internal trips and intercepted trips. Depending upon this unlikely occurrence as a significant factor in analysis severely underestimates the required transportation infrastructure and the economics necessary to implement that infrastructure. Cal Trans made a similar comment at the January 23rd workshop indicating their concern in this area. The combination of an impossible jobs/housing balance and unrealistic high rate of internal/intercepted trips render the project infeasible as proposed.

A Notice of Preparation letter from myself dated August 28, 1991, addressed to Kitty Walker, Senior Planner, requested an indepth analysis and exploration of alternatives regarding economic competition, land use conflicts, growth inducing impacts, and duplication of services between the proposed Mountain House New Community and existing City of Tracy. None of these were provided in the Draft EIR. The same indepth analysis is requested at this time for inclusion in the Final Environmental Impact Report (FEIR).

The EIR needs to analyze the possibility of the Community Service District incorporating and becoming a city. Should this occur and if any of the revenue generating assumptions become reality, then monies anticipated to enter the County general fund will be retained within

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the newly formed City limits of Mountain House. Any perceived economic benefits to the County would disappear.

#### FISCAL IMPACT COMMENTS

The Fiscal Impacts Analysis (Section 4.9) in the EIR is based on the Mountain House Plan as presented in December 1991. Since that time a Mitigated Plan has been submitted without the opportunity for recirculation. It is the intent of the City of Tracy to continue its analysis based on the Mitigated Plan and submit a supplemental response within the thirty-day period from the formal 30-day Notice on the Mitigated Plan. There has been no identification of the fiscal impacts of the Mitigated Plan.

C259

In the discussion of relevant County services, page 4.9-1, paragraph 2, "if the project incorporates it would be at a date after the year 2010". This assumption appears to be contrary to the rash of incorporations since the early 80's in California with over 40 new cities, the majority of which were either large scale residential projects or new town projects. Many of these areas were served by CSD's through the County organization. A few local examples in Alameda County would be Danville, San Ramon and Dublin. All of these cities at incorporation were under 25,000 population. Thus, much of the assumptions on finance for San Joaquin County and the new town is based on an unrealistic estimate to address incorporation. A

C260



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specific analysis should be performed based on the incorporation scenario at a 20,000 population threshold.

On page 4.9-5 Major Assumptions, build out occurs by 2010 and "would require rates of construction and levels of market penetration that have little precedence in the San Joaquin Valley". In addition, there appears to be no analysis or understanding of the impact of competing projects and the impact on the fiscal analysis.

C261

Further, on the assumptions, two important issues warrant serious review:

- ". .4. capital expenditures that are financed through development fee which, as a result of AB 1600, are extended to balance each other;" and
- ". .5. programs that are self financed through enterprise funds."

C262

These assumptions should be defined and articulated in terms of specific fees and charges to determine the financial feasibility of the projects. In the area of impact fees, the proponent assumes that the fee will not exceed 10 percent of the average housing value; however, it is concluded that the capital facilities cannot be constructed within the limit of this criteria and the one percent of market value for debt financing. In the area of enterprise

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financing, there is no analysis of the enterprise structure to determine the fiscal capacity of such utilities as sewer, water, storm drainage and solid waste. This fails to acknowledge the difficulty in financing capital improvements without a utility base and does not allow evaluation of the impact of the users.

C262

In presentation on November 16th at the Planning Commission hearing, the data in Table 4.9-6, page 4.9-13, there were several concerns raised identifying those administrative line items omitted from the costs summary which had been manipulated from the City of Tracy Fiscal Model which was used as a basis for this analysis.

The following information is omitted from this listing:

Police Services

Youth Services	\$ 335,920	
Technical Services	101,190	
Narcotics	303,830	\$20.73/capita

C263

Administration

Council Minutes Records	122,400	
Personnel Services	215,610	
Risk Management	1,484.100	
Central Services	146,350	
Accounting Services	292,510	\$60.26/capita

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Public Works/Engineering

Pavement Maintenance	325,860	
Street Tree Maintenance	248,090	
Street Sweeping	144,700	
Building Maintenance	294,220	\$20.00/cap

Recreation

Aquatics (34% fee based)	146,720	
Senior Citizens (16% fee based)	74,950	
Community Facilities (50% fee based)	39,000	\$ 6.50/capita

C263

In all cases, Administrative Services providing supervision, training, planning and budget management and program oversight are assumed to be included in the Net County costs without additional costs to the project on the CFD. This issue may add substantial costs if applied directly or indirectly. Additionally, if incorporated, all these costs must be included in operations estimates.

In considering these numbers, there are projected operating costs with a cumulative cost of \$139.90/capita. There remains an estimated \$114.94/capita, or an additional cost equivalent to 45 percent more than estimated. While interpretation is difficult due to the data organization, there remains a serious concern that existing cities may indirectly subsidize these developments, particularly in the



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initial years. In 1990, a similar indirect subsidy to County services was identified (Office of the County Administrator) with a \$2.4 million dollar additional cost for Sheriff services in the unincorporated urban areas adjacent to cities. C263

#### Impact 4.9-1 General Fund Programs

"The proposed project may require more in General Fund-financial service expenditures than generated in General Fund revenues. The imbalance of expenditures over revenues could occur if non-residential land uses develop more slowly than anticipated by the applicant." C264

This conclusion of the Consultant (DEIR) is further reinforced in the initial years when revenue lag in property taxes, etc., occurs and no fiscal base exists. This can extend from twelve to twenty-four months.

This, coupled with an unrealistic expectation on residential absorption and commercial and industrial development, would expose the County to significant costs. This, in turn, requires an indirect subsidy from other taxpayers in the County.

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4.10 Fiscal Impacts

In an overview statement, two important issues for capital finance are critical. In transportation, there are services omissions and unrealistic assumptions on internal trips (see Public Works comments). The addressing of these and the undefined impacts on the City of Tracy represent significant additional capital costs. It is important to understand that the provisions of transportation mitigation on other agencies must be addressed by the proponent (see Public Works Comment 23). This process is now defined through the Congestion Management review by the Council of Governments mandated by Proposition 111. Thus, an independent review by a third party will be required of this General Plan Amendment. If this fiscal analysis is to be valid, it must be comprehensive and incorporate the capital costs of mitigation for erosion of service level the project will generate on adjacent agencies. In addition, the Mitigated Plan changes transportation elements without modification to the Fiscal Impacts.

C265

The second area of concern is the reliance on Revenue Bond for enterprise financing. This is questionable, until a certain mass is established. The coupling of unsupported residential absorption rates and lack of demonstrated revenue streams would result in the need for security in place or the financial underwriting by the County; these are undefined.

C266

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#### Impact 4.10-1

The capital facilities required by the proposed project may prove too expensive for some project area homeowners to adequately finance.

The criteria established by the proponent will not allow a financial balance to be achieved. This DEIR bears out these conclusions.

C267

It is suggested that at the Specific Plan stage, these issues will be resolved; however, at that time, the project is committed. The basic economics of the project must be defined in real terms, and the unmitigated impacts, excluded to date, need to be included along with the changes in the Mitigation Plan.

#### Additional Fiscal Impacts

1. Fiscal impacts of incorporation need to be analyzed. The EIR assumes incorporation will occur after 2010. What are the impacts of earlier incorporation.
2. Costs to San Joaquin Delta Community College, Tracy Cemetery District, West Side Irrigation District and Byron-Bethany Irrigation District have not been analyzed. Will protected revenues outweigh potential service costs?
3. Projected service costs for urban programs are underestimated based on City of Tracy FY 91-92 budget expenditures. A better understanding of the relationship is necessary. These comments

C268

C269

C270



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have been made previously at the Planning Commission Workshops  
of November 16 and November 23. C270

4. If the project builds out more slowly than anticipated by the  
applicant, then General Fund deficits will occur during the  
development process which cannot be mitigated. C271

5. During the early years of development, the proposed project  
could represent a fiscal benefit to City of Tracy (Page 4.9-18). C272  
This assumption requires further analysis and documentation.

6. Translating capital cost allocations into annualized special  
assessments may require residential units to incur financing  
costs too burdensome for some homeowners. Financial burden C273  
could increase if proposed land uses do not build out as  
expected by applicant. The FEIR must provide an idea of these  
costs.

7. The financing plan will allocate capital costs to properties  
within the project and to properties outside of the project  
site. The FEIR must determine the costs, and to whom they will C274  
be applicable.

8. The phasing plan contains (Phase IV) land not under the  
applicant's control. How does this Phase get incorporated into C275  
the Mitigation Monitoring and financing programs?

LAND USE COMMENTS

1. "New Towns of populations between 20,000 and 60,000 people have been found to be too small to stimulate the necessary economic growth and balance of employment" (Land Use and Living Space, Best, 1981). The applicant proposes a population of 43,636. The applicant has provided almost twice as much net residential area than is typically provided in New Towns. The density of New Towns is generally in the area of 30 acres per 1,000 people or 11 dwelling units to the acre. Based on the project Mountain House population of 43,636, the amount of residential area to be considered a characteristic of a New Town development would be 1,309 acres (Land Use and Living Space, Best, 1981). The applicant proposes 2,398 acres or a build out of 6.7 dwelling units to the acre. As such, the proposed land use plan is more of a typical low density urban pattern rather than a New Town. C276
2. The creation of a well integrated socially balanced community has traditionally been a prime objective in the establishment of New Towns. There must be social balance in the neighborhood units. In the English Mark II New Towns, typical features included total pedestrian and vehicular separation. "Everyone is within walking distance to everything. A strong dominant town center with high densities (10,000 population) provides for greater social intercourse. The New Towns also provide great C277

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accessibility to community facilities" (Land Use and Living Space, Best, 1981). These characteristics are not demonstrated within Mountain House.

C277

3. Under what process can other property owners within the New Town Boundary exercise their development rights prior to the phasing plan implementation? At what point are Development Rights vested? What are the consequences should the Phases not construct within the prescribed time periods?

C278

4. Project sponsor Trimark, (page 3-20) describe that the project is located on land that is less valuable for agriculture due to the presence of less important soils, yet page 4.1-7 states that "the majority (3601 acres or approximately 77%) of the site has been designated Prime Farmland". An additional 8% of the total land is designated Unique Farmland. Six of the seven soil types on the project site are considered Class I and II (page 4.6-4). The FEIR must address how the lands are less important soils.

C279

5. Discontiguous patterns of development are encouraged by the project. The Final Environmental Impact Report (FEIR) must be modified to state "Development of the project has already encouraged may-encourage future development of properties between the project site and the City of Tracy". (Kitty Walker, December 18, 1991, and January 16, 1992, project Tracy Station).

C280

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6. Mitigation Measure 4.2-2 addressing regional growth is unclear?  
The FEIR must explain this concept. C281
7. Unless Phase One provides Community Parks on-site, the City of Tracy system will be adversely affected. What is the full extent of the impact on a yearly basis? The FEIR must provide this information. C282
8. Page 4.3-10. The attendance boundary lines have been established and have been approved by the Board of Trustees. The FEIR must confirm this information and update. C283
9. Page 4.3-16. Paragraph states that Tracy Disposal is about to receive permits for a solid waste transfer station in the City of Tracy. This needs to be re-addressed as the applicant has withdrawn the application. The FEIR must be updated and recognize this as an opportunity for infrastructure cooperation within the sub-region of southwest San Joaquin County. C284
10. The DEIR states that the need for Mountain House is tied to amenities desired by high density white collar business. However, Phase One proposes 71 acres of commercial lands compared to 451 acres of residential lands. The FEIR must address this imbalance. C285
11. The EIR states that early stages of development would be residential "followed quickly" by industrial and office C286



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development". The FEIR must address what it means by "followed quickly?" What is the consequence to the County or City should it take longer than "quickly?".

C286

12. The proposed project has no significant locational advantages compared to competitive business parks situated to the west, in the Tri-Valley area, or to the east, in the Cities of Tracy and Lathrop (Page 4.11-7). The FEIR must expand on this conclusion and its impacts upon plan implementation.

C287

13. The project will reduce the residential and industrial growth rate of the City of Tracy. An analysis of this impact must be included in the FEIR. It appears that the only mitigation measure is denial of the project or incorporation into the Tracy Urban Management Plan.

C288

#### SAN JOAQUIN COUNTY 1995 AND 2010 GENERAL PLAN COMMENTS

The County 2010 Plan will have to address the following probable conflicts:

- \* There is no implementation program to maintain close balance between jobs and housing (page 4.2-8g)
- \* No public transit routes have been presented (page 4.2-9h)
- \* Proposed project will adversely affect fiscal resources of nearby cities and or the County

C289

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- \* Proposed project will result in leapfrog development pattern
- \* The General Plan (not the Specific Plan) should contain documentation that adequate water will be available to serve the community (winter water rights)
- \* Proposed project will create deficient LOS for a number of off-site roads and freeways
- \* Page 4.2-15. How much is a "large portion" of the site that needs to be set aside as agricultural preserve?
- \* The existing County General Plan (1995) has a significant conflict as it states that:
  - proposed new town shall minimize resulting adverse impacts on surrounding urban centers (page 4.2-16)

C289

#### WATER DEMAND COMMENTS

1. Water demand is based on historical information from 1976-1988.

8,125 AF/YR is not adequate for the 16,000 du's, nor based on 4,667 acre demand figures.

if 2.6 afyr at 4,667 = 12,134 afyr (historic rate - low)

if 3.5 afyr at 4,667 = 16,334 afyr (applicant avg)

if 4.2 afyr at 4,667 = 19,601 afyr (historic rate - high)

if 2.2 afyr at 4,667 = 10.391 afyr (applicant w/o recl.)

if 1.75 afyr at 4,667 = 8,125 afyr (applicant w/recl.)

if 1 afyr per du at 16,003 = 16,003 afyr (basic rule of thumb)

C290

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The City of Tracy in 1991 at 33,200 people used 10,800 afyr.

Urban Management Plan technical report by Kennedy/Jenks documents an average of 2.76 afyr in calculating Tracy water demand. Using 2.76 afyr would result in 12,880 afyr water demand for Mountain House, which is significantly higher than applicant projections.

C291

The FEIR should not rely on existing or historical demand as being the amount that will be used by the project. The aforementioned numbers show how far from reality the proposal is. Furthermore, it shows how much the project sponsor is relying on reclamation techniques to make up the difference from historical levels to expected demand (a total of 2,266 afyr)

#### HOUSING COMMENTS

1. The majority of persons potentially employed at the proposed site would not be able afford the majority of the projects housing stock (page 4.11-11). The FEIR must explain this conclusion and its impacts upon plan implementation.
2. If the project provides for a jobs/housing balance, it will need 1,600 units at build out for people earning less than \$16,000 per year. Can this be achieved?

C292

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3. An insufficient supply of housing for people earning between \$16,000 and \$50,000 is proposed (page 4.11-11). Need 4,890 units. The FEIR must address the consequence of a 4,890 unit shortfall. C293
4. 12,693 units (out of 16,003) 79% will be targeted for people with incomes between \$50,000 and \$69,999. An oversupply of 9,197 housing units. (Page 4.11-12) The FEIR must address this condition. C294

#### TECHNICAL COMMENTS

1. Page 1-1, 2nd paragraph, acreage is 4,667 not 4,677. C295
2. Page 4.1-5, states a distance of 6 miles to the City of Tracy? On page 4.2-3 Tracy is 3.5 miles; page 4.2-9 Tracy is 4.6 miles; page 4.2-11 Tracy is located 4 miles west. What is the correct distance and location? C296
3. Page 4.1-11, Notices of Non-Renewal have NOT been filed on 2,919 acres. This number relates to Cancellation application acreages. What is the correct acreage for notices of non-renewal? C297
4. Page 4.9-8. Word "if" needs to be omitted from the first sentence of the second paragraph since this is presented as historical data. C298



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DEFERRED ANALYSIS COMMENTS

Chapter Two of the DEIR (Summary Table for Mitigation Measures) identifies the following sample of 23 services from 98 deferred mitigations to be studied at the Specific Plan stage, and not as part of the General Plan process:

- \* Funding mechanism for regional parkland
- \* Provision of regional parkland
- \* Busing of students via Mello-Roos funds
- \* Schedule for High School funding and construction
- \* Fire protection arrangements
- \* Police services
- \* Solid waste stream reduction
- \* Reliable water supply throughout calendar year
- \* Dual distribution system to reduce water demand, and reclaimed wastewater treatment plant including water storage facilities
- \* Water Treatment Plant design and Chemical selection
- \* Sludge Management Plan
- \* Hazardous Materials Business Plan
- \* Pretreatment program for discharges into sanitary sewer
- \* Beneficial uses for wastewater treatment sludge
- \* Submittal of NPDES permit application
- \* Storm water collection system, Best Management Plan
- \* Streamed modification design
- \* Budget of Community Services District

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- \* Inlet design, access to and maintenance of detention ponds
- \* Uninterrupted service of BBID operations
- \* Undergoing of Weber-Herdlyn 60kV transmission lines. (Is this "expected" or should it be a requirement of the GPA?)
- \* Relocation of 8 inch natural gas pipeline
- \* Corridor for Rio Oso-Tesla and proposed Rancho Seco-Tesla transmission line corridors

The reader or decision maker needs to see the Specific Plan now to know if the General Plan Amendment is really a good decision.

#### PUBLIC WORKS COMMENTS

1. Page 4.14-15, paragraph No. 1 states that "only 44% of the employment originally proposed by the Mountain House sponsor could reasonably be expected by the Year 2010." Yet the proposed project scenario described in paragraph 2 assumes 100% buildout by the Year 2010. It also assumes that no other new towns will be constructed in the unincorporated area. Clearly both assumptions are wrong. The County Board of Supervisors via all previous actions have assumed each of the four new towns will be constructed in the unincorporated area. All new towns have been exempted from newly developed water policies that govern growth in San Joaquin County. All new towns are included as developing within the County's General Plan. The proposed project scenario is unrealistic.

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The market-constraint scenario described in paragraph 3 should be the scenario assumed throughout the plan as being realistic. The market-constraint scenario follows realistic and traditional macroeconomics. Thus, references to the market-constraint scenario in the first paragraph of page 4.14-17 as the worst alternative are really the true case alternative.

C300

Both the market-constraint scenario (realistic) and the proposed project scenario (unrealistic) are compared to the "no project" scenario. The no project alternative assumes all development takes place within the County 2010 General Plan less the Mountain House project. The no project alternative incorporates the future transportation network improvements "considered by the County as likely to be implemented within the next 20 years." The overall effect of the inclusion of the transportation projects as well as all growth within the 2010 General Plan greatly reduces the impacts associated with the Mountain House project.

C301

The majority of traffic impacts caused by growth allowed by the County General Plan will have already been factored into the transportation pattern prior to the Mountain House proposal. As currently scheduled, the Mountain House project may be the first project considered by the County. Related impacts will be felt

C302

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immediately and therefore its mitigation measures should be in place immediately. Improvements required by other growth within the 2010 Plan will not occur unless Mountain House also provides mitigations for those future impacts and receives a benefit reimbursement from those projects at some date in the future. Thus the true impacts created by the Mountain House project will not be known unless the Mountain House project is compared without the other four new towns being identified.

C302

If other new towns develop, cumulative additional traffic will determine the amount of new construction required in Mountain House. The current "no project" scenario would have improvements occurring after impacts are felt and only then mitigating a minimal amount on a piece meal basis. Thus the no project scenario should be the County General Plan 2010 without any of the new towns included. The true impact of each new town then could be assessed individually.

C303

2. By project definition, the market-constraint scenario proposed 44% of the employment at Mountain House would be absorbed by 2010. However paragraph 2 on page 4.14-23 shows 44 to 56% of work traffic leaving the Mountain House area, thus leaving 56 to 44% of employment within Mountain House. Clearly the 56%

C304



described in paragraph 2 is greater than 44% identified in the definition.

In paragraph 1 of page 4.14-23, the last sentence describes the number of employed in the proposed project scenario. It is stated that twice as many residents would be employed under the proposed project scenario than under the market-constraint scenario. This results in 88 to 112% employment within Mountain House under the proposed project scenario. The proposed project scenario, however, by definition, is only 100% employment.

C305

3. Judging from the figures of Table 4.14-8, full buildout of the Mountain House project at Year 2010 will be 16,003 dwelling units and full employment of 19,880 employees. No where else in the transportation section 4.14 are these numbers identified. It would have been helpful to had have these numbers identified early on in the report as the potentials for development.

C306

4. By combining the figures given in Table 4.14-8 and the comments of paragraphs 1 and 2 of page 4.14-23, one can only assume that there is full employment within Mountain House. Forty-five percent of the residents in Mountain House will be employed within Mountain House per Table 4.14-11 and another 22 to 28% of the residents would be migrating out of Mountain House to go to

C307

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work over the Altamount Pass. Thus 84% of the population of Mountain House will be employed.

If the 19,880 employees shown in Table 4.14-8 represent 45% of the residents employed within Mountain House, then the total population would be 44,178. Subtracting the residents commuting over the Altamount Pass would leave 7,068 residents unemployed. C307 For a total of 16,003 dwelling units, one can only assume that the 7,068 unemployed are children. This yields less than 1/2 child per dwelling unit. Thus it would appear that housing population per dwelling unit is far below State averages. If this is not so and a more realistic population per dwelling unit is assumed, the effect is more net in migration of employees and thus more traffic and hence impacts thereof.

5. On page 4.14-19, the second paragraph assumes that Mountain House would have an internal travel rate of 70%. Data from the true new town of Reston, Virginia shows a maximum of 30% of internal traffic. The City would request data documenting that either the assumptions from Mountain House are correct or the data actually experienced by Reston, Virginia are wrong. Should Mountain House traffic, as a true new town, develop as Reston, Virginia has actually experienced, significant additional traffic impacts to the roadway system will occur. These C308

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additional impacts have not been studied, identified or mitigated.

6. On page 4.14-16, the EIR assumes that future transportation network improvements have been programmed into the traffic model. The fiscal analysis of this project does not recognize that there is no funding mechanism for these improvements. The San Joaquin County Public Works Department is one of the leading advocates for implementation of a regional transportation impact fee. Without such a fee, the major improvements required by the County's future transportation network are unfunded. Additionally in footnote No. 7 of page 4.14-16, it states that the model includes widening of I-205 from four lanes to six lanes and widening of Eleventh Street from four to six lanes. It should be noted that the San Joaquin County Council of Governments is proposing the I-205 widening project to occur from the Alameda County line to Eleventh Street only. This project is subject CTC approval and at this time is tentatively scheduled for 1999, half way through the development of the Mountain House project. No time frames are available for the widening of I-205 from four lanes to six lanes for the additional length of I-205. Additionally the widening of Eleventh Street from four lanes to six lanes is currently not in any approved transportation improvement program. Thus the

traffic model should be revised to show real cases, ie. a four lane, I-205 project from Eleventh Street to its junction with Interstate 5 and Eleventh Street as a four lane facility from I-205 through the City of Tracy to its junction with I-205 again.

C309

7. Table 4.14-10 on page 4.14-22 identifies 12 to 16% of Mountain House traffic migrating to the City of Tracy in work related trips. The EIR is totally silent on mitigation measures necessary to overcome the impacts of these traffic related trips on the City of Tracy. The City of Tracy owns and operates its own gravity traffic model which includes the Mountain House area. The consultants for EIR did not approach the City of Tracy to have traffic models run to determine impacts on the City of Tracy.

C310

8. Mitigation measure 4.14-1(E) found on page 4.14-24 states that transit service, either fixed route or dial-a-ride, shall be provided to the Mountain House from the onset of housing occupancy. As stated, this is required by the San Joaquin County Congestion Management Program. In the fiscal analysis of this project, no mention is made of the financial drain to County resources for the cost of this service. The mitigation measure on page 4.14-26 states that funding could be split equally between major employers and the project sponsor. It is

C311

C312



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highly doubtful that there will be major employers with the first housing unit which is occupied. The San Joaquin County Public Works Department will be responsible for absorbing all costs associated with the dial-a-ride system under the current mitigation measures found in the EIR. Therefore either the financial drain upon the County Public Works Department needs to be put into the fiscal statement and analysis or the EIR should be revised to state that the project sponsor shall underwrite all costs of the transit system until such time as the project sponsor can achieve partial funding from major employers in the area.

C312

Even though this mitigation measure states that the funding should be split equally between the project sponsor and major employers in the area, a different scenario is called for within the same EIR as mitigation measure 4.14-4(B) found on page 4.14-54. Here the EIR proposes that the cost of transit service be split equally between the City of Tracy and "the project."

C313

While the City of Tracy may indeed be the logical provider of transit service, it will not assume any of the cost of providing that service. All transit service is heavily subsidized and the City of Tracy expects all subsidization for service to the Mountain House project to be from the project sponsor or San Joaquin County.

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9. Mitigation measure 4.14-1(D) found on page 4.14-23 states in the third paragraph on page 4-14-24 that the project sponsor should "promote" the use of HOV access to and from the project site. This "promotion" is in response to impact 4.14-1 relating to significant impacts of vehicle trips to/from or within the project site. Additionally under Impact #4.14-2, addressing significant impacts to freeway traffic, the EIR, on page 4.14-34, paragraph 4, states that the site is well situated "to encourage" HOV usage to the site from I-205 via Patterson Pass Road and to the site via I-580 and Grantline Road. The EIR states that the project sponsor proposes to "promote" HOV usage through a transportation management organization. Whereas promoting and encouraging are lofty goals, neither achieve usage and/or provide mitigation. C314

Since the EIR states that LOS C will be achieved within Mountain House and LOS D will be achieved on State highways, it is assumed LOS C will be achieved from Mountain House to each of the before mentioned freeway interchanges. With LOS C as a foregone conclusion it is doubtful that an HOV lane of a mile to a mile and half in length would encourage anybody to participate in carpooling. The end result would be a maximum one minute driving time savings from the site to the freeway before C315

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encountering LOS F conditions on the freeway. Perhaps this is why the author of the EIR only "promotes" and "encourages" the use of HOV lanes but reality would show that a one minute transit savings does not translate to increased HOV usage.

C315

10. Mitigation measure 4.14-1(D) found on page 4.14-24 in the sixth paragraph requires the project sponsor to set aside land within the project site for future multi-modal station. The corridors under study for such a facility do not include any lands currently under ownership or control by the project sponsor. Therefore it is doubtful that this mitigation measure can be achieved.

C316

11. Even though mitigation measure 4.14-1(E) found on page 4.14-24 states that transit service shall be provided by fixed route or dial-a-ride system, mitigation measure 4.14-1(D) is contradictory. From the second and forth paragraphs found on page 4.14-24, it can only be surmised that fixed route service is available. Thus should the project decide on a dial-a-ride system as provided in 4.14-1(E) provisions of fixed route amenities as described in 4.14-1(D) would become mute and therefore are not mitigation measures. However, should in the response to these comments, the consultant decide that a fixed route system is preferable to a dial-a-ride system and amend

C317

mitigation measure 4.14-1(E), additional fiscal impacts to San Joaquin County funding need to be identified. Fixed route bus system create even greater need for subsidization than do dial-a-ride systems. Therefore either the cost to the project sponsor or the drain upon County resources becomes greater.

C317

12. Once again mitigation measures 4.14-1(F) and 4.14-1(G) and 4.14-1(H) point only to the development of a fixed route bus system. It therefore appears that the choice offered in mitigation measure 4.14-1(E) does not exist and only a fixed route system is possible.

C318

13. Mitigation measure 4.14-1(E) states that the project sponsor should be responsible for funding transit connections between future regional transit service points and the project site, where and when warranted by commute demand. No where in the document is the criteria for which this shall be calculated nor a definition of what a transit connection shall be taken to mean. The mitigation measure further leaves open an ambiguous who will do the determination and how the funding for the connection will be provided.

C319

14. Figure 4.14-5 found on page 4.14-25 shows what appears to be a grade separation project of Patterson Pass Road passing over

C320



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Byron Road into the future development north of Byron Road. The City of Tracy requests consideration that Byron Road be made continuous with Patterson Pass Road at this intersection, that Byron Road southerly of this intersection be reconfigured to meet Patterson Pass Road at an intersection somewhat south of the existing shown intersection at a 90° angle with Patterson Pass Road. The City of Tracy is trying de-emphasize Byron Road as a major arterial street in its own traffic network. The City of Tracy is trying to emphasize east/west and north/south arterials. As such, if Mountain House begins construction, improvements would be required to Grantline Road leading directly to the Mountain House project as well as a northerly arterial currently in alignment with Middle Road making an east/west connection to Patterson Pass Road at approximately the Mountain House town center area. Therefore the City of Tracy would request a change to the onsite circulation plan in order to achieve a compatible subregional circulation plan. C320

15. Paragraph No. 4 on page 4.14-34 speaks to the use of metering lights at the intersections of I-205 with Patterson Pass Road and I-580 with Grantline Road. The intersection of I-205 and Patterson Pass Road is in Caltrans District No. 10 whereas the intersection of I-580 and Grantline Road is in Caltrans District No. 4. Within the last 12 months, the City of Tracy has been C321

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informed by Caltrans District No. 10 that ramp metering lights are not acceptable in District No. 10. Unless the District has had a change in philosophy within the last 12 months, the ability to use ramp metering lights at the intersection of I-205 and Patterson Pass Road does not exist.

C321

16. In a reaction to impact 4.14-4 found on page 4.14-45 regarding the need for improvements to certain roadways, one sees that the impacts to Grantline Road between I-580 and Altamount Pass Road are indeed significant. Although improvements are shown to this roadway segment in figure 4.14-10, this segment of road is identified, in the test, as a total of three north bound lanes for traffic travelling from Altamount Pass Road to I-580 (see paragraph 2 page 4.14-45). Additionally, in paragraph 5 on page 4.14-45, the sponsor of the project now intends to provide an additional north bound lane along the same stretch of road. Thus four north bound lanes would be provided for the 1/8th of a mile in length between Interstate 580 and Altamount Pass Road. Additionally from page 4.14-50, a south bound HOV lane, in addition to two south bound lanes, would total three lanes south bound on this section of road, making a total of seven lanes for Grantline Road from Altamount Pass Road to I-580. This total is far different than the improvements shown in Figure 4.14-10.

C322

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Nowhere in the EIR are improvements to Altamount Pass Road identified. The last sentence on page 4.14-45 makes reference to one lane needed in each direction between Altamount Pass Road and Mountain House Road but this is supposedly in reference to Grantline Road. On page 4.14-50, the paragraph starts with the comment "if widening of Altamount Pass Road is infeasible."

There is no identification that widening of Altamount Pass Road is needed. In this paragraph the HOV lane apparently is extended all the way to the project site. Thus it is unclear whether the seven lanes of traffic between I-580 and Altamount Pass Road on Grantline Road connect to a two lane facility or a four lane facility. It is impossible to determine which roads are being improved, either from the text or the figures provided. C322

17. From all data available to the City of Tracy, it does not appear that the 5% reduction in trip generation can be achieved as outlined in paragraph 1 on page 4.14-41 without a concerted effort by San Joaquin County, the San Joaquin County COG and the project sponsor. While the EIR states an overall trip reduction of 10 to 15% may be possible with a concerted effort, data shows that only in areas of high congestion, availability of adequate transit facilities and financial incentives for use of transit facilities can trip reduction rates greater than 5% be achieved. C323

Since the EIR does not address financial incentives in the TDM/TSM program, it is unlikely that the overall trip reduction of 10-15% will be achieved.

18. The growth control program as proposed in the EIR on page 4.14-42 paragraph 1 is flawed. No program that the City of Tracy is aware of prohibits development of residential properties until buildout of certain amounts of commercial and industrial property. The EIR suggests that a Specific Plan for each phase could be a method of monitoring the growth of the various phases of the project. No political body, either a Planning Commission or a Board of Supervisors, is likely to deny the next phase of a Specific Plan to proceed because an exact number of jobs have not been created. The free economic market will dictate the availability of industrial and commercial sites. No governmental agency can dictate the market. Economic reality is such that industrial growth follows commercial growth which follows residential growth. It is unlikely that this EIR can reverse that historical fact.

19. In response to impact No. 4.14-2, "impacts on the freeway", mitigation measure No. 4.14-2(A) found on page 4.14-42 suggests that the sponsor should be required to fund their fair share of the preparing a project study report for truck climbing lanes on



the uphill portion of I-580 over the Altamount Pass. Nowhere in fifteen pages of EIR documentation, charts and data is there shown any nexus between truck climbing lanes and the project impact upon the freeway.

C325

20. Under impact 4.14-3 "impacts on freeway interchanges", paragraph No. 1 states that the I-205/Patterson Pass interchange would need to be rebuilt as a partial cloverleaf interchange. Yet mitigation measure 4.14-3(A) states that the same interchange should be studied in more detail to determine if it would indeed need to be rebuilt. Thus there is a conflict between the written text and the mitigation measure.

C326

21. Mitigation measure 4.14-3(B) found on page 4.14-44 suggests that interchanges of Grantline Road and I-580 and Eleventh Street and I-205 should be studied in the future. The City of Tracy feels that these interchanges should be studied at this time. The financial impacts to either the project sponsor or San Joaquin County for the rebuilding or reconstruction of both of these interchanges should be known upfront and not be left for study at some later date. The result of performing the analysis now would suggest the true fiscal impact to San Joaquin County or the project sponsor. The mitigation measure further states that a new interchange at Hanson Road/I-205 may also require study.

C327

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Nowhere in any of the documentation is this possibility discussed. What information is known about adding a new interchange at Hanson Road/I-205? As this interchange is within the City of Tracy's sphere of influence, the City would be interested in knowing of any proposed work at that interchange. C327

22. On page 4.14-52 the first sentence is incorrect. The sentence states that mitigation measure 4.14-3(A) requires the project sponsor to initiate a project study report for ramp metering lights and freeway intersection impairments. This is incorrect, mitigation measure 4.14-3(A) requires the project sponsor to provide fair share funding for a project study report of truck climbing lanes. C328

23. Paragraph No. 2 on page 4.14-52 makes reference to Mountain House impacts on Eleventh Street within the City of Tracy. However mitigation measure 4.14-4(A) proposes fair share costing for Eleventh Street by the project sponsor, the County and the City of Tracy. The City of Tracy interprets the California Environmental Quality Act to require that impacts to the City of Tracy be mitigated by the project and/or sponsor just as all other traffic impacts should be mitigated by the project sponsor of any individual project. These financial impacts should be known and quantified and identified to better assess the C329 C330

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financial feasibility of the project. Is San Joaquin County going to provide the funding for road improvements inside the City of Tracy that the project sponsor will not be accountable for based on the results of this Environmental Impact Report? Is the cost to San Joaquin known? Is this cost agreed to by San Joaquin County?

The Congestion Management Plan states that roadway impacts on jurisdiction A caused by jurisdiction B shall be mitigated by jurisdiction A. Therefore Mountain House and by reference San Joaquin County will be held accountable financially to mitigate impacts to the City of Tracy as well as other possible cities.

24. Paragraph No. 4 on page 4.14-45 suggests delaying analysis of traffic impacts until the Specific Plan stage to determine "fair share funding for improvements to County roads in the vicinity" of the project. Since San Joaquin County has already stated that it is insufficiently capitalized to provide all road improvements necessary within San Joaquin County, the question arises, that should fair sharing funding be determined, where will the County Public Works Department find funds sufficient to provide their "fair share funding for road improvements?" Since the roads in the area now function adequately, it appears that the project's fair share for improvements to the County roads in

the vicinity should be 100%. Any percentage other than this should require a detailed analysis by the County Public Works Department as to the fiscal impact to their ability to rebuild and maintain the roadway transportation network in San Joaquin County. Would funds from other supervisorial districts be used for roadway improvements in this district or would all funds for all roads within this district be diverted to underwrite the cost of this project? What is San Joaquin County policy in regards to transference of transportation funds between supervisorial districts?

C331

25. The EIR does not mention the recently approved dam system on Old River. Potential impacts upon water quality and marina oriented users need to be analyzed.

C332

#### CONCLUSION

The City of Tracy requests that further processing of the proposed Mountain House New Community cease. There is such a significant volume of issues to be resolved that the EIR is inadequate as presented. Further processing is premature at this time.

C333

A significant opportunity for City/County cooperation and coordination is being missed. The following schedule is proposed to facilitate better analysis of the proposed new community and initiate



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a conflict resolution process. Review of the References and Persons Consulted Section 8 indicates that no contact was made with the City of Tracy officials. In order to avoid this reoccurring, the following meetings are requested to occur with the City of Tracy as follows:

<u>Date</u>	<u>Time</u>	<u>Subject</u>
February 5, 1992	1:00 p.m.	Fiscal and Economic Analysis
February 7, 1992	1:00 p.m.	Planning and Land Use Issues
February 10, 1992	9:00 a.m.	Public Works Issues

C333

During these meetings, arrangements will be made for utilizing the Tracy Traffic and Fiscal Models to analyze Mountain House impacts upon the City.

In conclusion, Mountain House has not demonstrated any benefit to the City of Tracy. However, more critical to this process is that adequate information be made available. The Board of Supervisors, as elected representatives of unincorporated and incorporated residents, must consider any benefits or detriments to both incorporated and unincorporated areas equally. To date, this has not been done. Within the EIR, there are fatal flaws in assumptions and analysis which underestimated impacts of Mountain House. These include insufficient market to sustain and fund proposed infrastructure and mitigation. Substantial errors are present in the assumptions of a jobs/housing balance and a unrealistic high capture of internal and

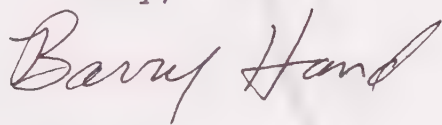
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intercepted trips. There is no benefit to duplication of infrastructure and establishing multiple government entities within the Tracy planning area. Finally, a process of effective conflict resolution between City and County needs to be established before there is any further significant decision making on development within the Tracy planning area.

C333

We appreciate your cooperation and consideration in these matters. We look forward to working with the Planning Commission, your staff, and consultant team during the suggested meetings. It is our hope that these items can be resolved to the mutual benefit of all parties concerned.

Sincerely,



BARRY HAND  
Community Development Director

BH/smf

s02-0127.92/Msc1

# BYRON-BETHANY IRRIGATION DISTRICT

3944 MAIN STREET • P.O. BOX 273 • BYRON, CALIFORNIA 94514  
PHONE (510) 634-3534 FAX (510) 516-1239

## OFFICERS

CHARLES M. UZNAY - PRESIDENT  
LOIS STORNETTA  
SECRETARY/COLLECTOR/TREASURER  
LORETTA BORGES - ASSESSOR  
FRED K. SPECHT - MANAGER  
MINASIAN, MINASIAN, MINASIAN  
SPRUANCE, BABER, MEITH & SOARES  
ATTORNEYS  
CH<sub>2</sub>M HILL - ENGINEERS



JOHN J. CARVALHO  
DIRECTOR DIVISION NO. 1  
GERALD E. TENNANT  
DIRECTOR DIVISION NO. 2  
RUTH SANTOS  
DIRECTOR DIVISION NO. 3  
CHARLES M. UZNAY  
DIRECTOR DIVISION NO. 4  
CHARLES SPATAFORE JR.  
DIRECTOR DIVISION NO. 5

REGULAR MEETINGS HELD ON SECOND TUESDAY OF EACH MONTH AT 1:30 P.M.

February 5, 1992

Kitty Walker, Senior Planner  
San Joaquin County Department of  
Planning and Building Inspection  
1810 E. Hazelton Ave.  
Stockton, CA 95205

RE: Notice of Preparation of E.I.R. No. ER-91-1 Mountain House  
New Town

Dear Kitty,

The views of Byron-Bethany Irrigation District regarding the scope and content of the environmental information which is germane to our Districts statutory responsibilities in connection with the proposed Mountain House New Town project are as follows:

1. The following structural corrections should be noted and included in the E.I.R. document.

- A. Page No. 4.4-1, Third paragraph, Third Line No 3, should read as follows:

Pre 1914 water rights are quantified by the amount of water actually used by the water right holder up to the maximum of 1,610 AF/day.

- B. Page No. 4.4-9, Fourth paragraph, Line No. 2, should read as follows:

To repay bonded indebtedness, Byron-Bethany Irrigation District charges farmers an additional assessment of \$2.68 per \$100 of assessed valuation on land within the District Boundaries. (Delete-farmland over 160 acres under one ownership.)

2. We believe that the document does not discuss the environmental impacts on the Delta which may result from changing the Districts diversion pattern from seasonal to a year-round pumping pattern.

There may be absolutely no impacts whatsoever on aquatic life or plantlife in the Delta, but this question should be posed and addressed.

C334

C335

C336

3. The serving of water to the proposed Mountain House New Town requires a change in place of diversion, and the impacts of that change should also be addressed.

7  
C337  
7

Thank you for the opportunity to review the proposed Mountain House New Town D.E.I.R. If you have any comments or questions please call me at (510) 634-3534.

Yours Very Truly,



Fred K. Specht, Manager  
Byron-Bethany Irrigation District

FKS/bc



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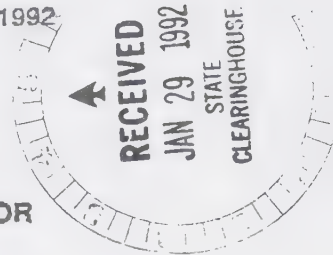
State of California

Business, Transportation and Housing Agency

## Memorandum

TO: MS. DARA LYNN COX  
State Clearinghouse  
1400 10th Street, Room 121  
Sacramento, CA 95814

Date: January 29, 1992  
File: ALA000093  
SCH: 90020776  
P.M.: 0.0



FROM: DEPARTMENT OF TRANSPORTATION - GARY F. ADAMS, SENIOR  
Transportation Planning Branch-District 4

SUBJECT: MOUNTAIN HOUSE: NEW TOWN GENERAL PLAN AMENDMENT

A total of 16,003 residential units would be provided on 2,398 acres of the project site. 275 acres would be designated for commercial use, while 427 acres would be designated for industrial use. The remaining acreage would be used for schools, utility areas, roads and recreational facilities.

Thank you for including The California State Department of Transportation (Caltrans), District 4, in the environmental review process for the above-referenced Mountain House project. Although this project is located in San Joaquin County, which is the jurisdiction of Caltrans' District 10 office, we feel it is necessary that we address our concerns in addition to those addressed by District 10. We forward the following comments:

The "purpose" section of the introduction, first paragraph, should state what the existing and proposed general plan designations are.

C338

Route 580 is a major east-west corridor between Marin County and the Livermore area of Alameda County. There is heavy commuter traffic during AM and PM peak hours on most of this route. As per Figure 4.14-2, Route 580 handles the highest daily traffic volumes in the study area. This includes about 15 percent truck traffic at the Altamont Pass. To assume that 70 percent of the total trips generated by Mountain House would remain internal, and that work trips would be about 50 percent internal is somewhat unrealistic. Please explain the methodology used to determine these percentages.

C339

This document correctly predicts Level of Service "F" on the I-580 Altamont Pass by 2010, or earlier. However, this is going to occur even without the subject project. The project will increase "demand" by 90% over today's traffic. See figure 4.14-7A. Under current air quality rules, the only capacity increasing projects which could be approved are HOV lanes. These are currently prohibited by State statute in unincorporated Alameda

C340

County. Therefore, the only approvable capacity-increasing mainline project would be an HOV lane concept on I-205. C340

The westbound truck movement at the I-205/I-580 interchange must move to the right-hand lanes at Grantline Road. This makes an increase in the westbound on-ramp movement impossible; since it must weave across this line of trucks. Even with developer funds, a solution may not be possible. C341

Realistic mitigation measures (and funding sources) to handle the increase in traffic volumes on adjacent freeways, interchanges, and the **mainline** need to be determined and committed to by the "project sponsor" BEFORE the general plan is amended. C342

On page 4.14-54, first paragraph, last sentence it is stated that "The County should consider developing a program of traffic impact fees in order to accommodate traffic for new town developments." These fees should be earmarked for an equitable share of regional infrastructure as well as local road improvements. C343

On pages 6-2/4, Table 6.1-1 and Figure 6.1 are inconsistent. The figure shows 18 other project locations but the table only lists 15. Please identify projects 16-18 on table 6.1-1. C344

Once again, thank you for the opportunity to comment on this project. If you have any questions regarding these comments, please feel free to contact Alice Jackson-Taylor of my staff at (415) 904-9643.

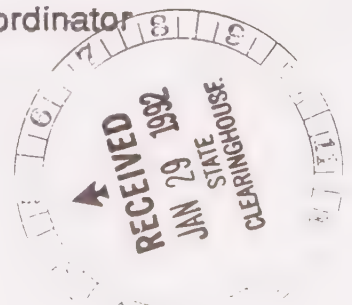
PRESTON W. KELLEY  
District Director

by

  
GARY F. ADAMS

District CEQA Coordinator

cc: Sally Germain, ABAG  
Susan Pultz, MTC  
Chris Sayer, Dist. 10  
Kitty Walker, San Joaquin County Planning Department



LAMMERSVILLE ELEMENTARY SCHOOL DISTRICT  
16555 West Von Sosten Road  
Tracy, California 95376  
Telephone (209) 835-0138

February 4, 1992

FEB 6 1992

Kitty Walker, Senior Planner  
San Joaquin County Planning Division  
San Joaquin County Community Development Department  
1810 East Hazelton Avenue  
Stockton, California 95205-6232

COMMUNITY DEVELOPMENT  
PLANNING DIVISION

Dear Ms. Walker:

I have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Mountain House New Town General Plan Amendment, SCH #90020776. This proposed general plan amendment change will have significant impact on the number of students attending the Lammersville Elementary School District. The DEIR correctly states that 12 to 14 new schools that will house children in grades kindergarten through 8, will be needed for an additional estimated 10,818 students. (DEIR, Vol. 1, p. 4.3-9) However, the DEIR fails to state that the estimated cost of purchasing land and constructing these new schools is estimated to be \$112,695,606, in 1992 dollars.

The Lammersville Elementary School District does not now have the financing to pay for any portion of \$112,695,606 for the 12 to 14 new schools that are needed. It is also estimated that the State of California will NOT be able to fund these new schools. Therefore, it is essential that the San Joaquin County Board of Supervisors require that the Mountain House New Town developers finance the full mitigation of school facilities and land costs caused by the proposed development. Failure to place this requirement on the developers will have a devastating impact on the ability of the Lammersville Elementary School District to serve the projected new students from this development.

Sincerely,

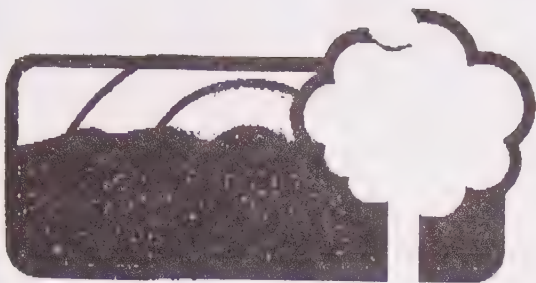


Kenneth A. Olds  
Superintendent

KAO:ls

C345





RECEIVED  
JAN 15 1992

COMMUNITY DEVELOPMENT  
PLANNING DIVISION

# CITY of MODESTO

Planning & Community Development Dept.: 801 11th St., P. O. Box 642, Modesto, CA 95353  
(209) 577-5267 [FAX (209) 522-1780] [TDD (209) 526-9211 Hearing and Speech Impaired only]

Ms. Kitty Walker, Senior Planner  
San Joaquin County Planning Dept.  
1810 E. Hazleton Ave.  
Stockton, CA 95205

January 14, 1992

Re: Comments on Draft EIR for the Mountain House GPA.

Although the City of Modesto is not a responsible agency as defined by CEQA we would like to thank you for the opportunity to share with you our comments regarding the Draft EIR for the New Town General Plan Amendment for Mountain House. As public servants in Stanislaus County we can appreciate the monumental task before you in evaluating and stewarding the development of a "New Town." Enclosed are some comments on this proposed project. The questions I ask are mostly issue oriented. We are hoping your responses will give us some insights on how to deal with some of these critical issues. Further explanation by yourself or the consultants of actual methodologies would be useful for us in dealing with similar issues.

1. Is your non-profit agricultural land trust an established, growing, viable entity today or is it set up by policy? What are the mechanics in setting up such a trust?
2. The EIR mentions the establishment of a Mello-Roos CFD for certain facilities, specifically school buses. The financing of all the other capital facilities is more vague. What funding mechanisms are proposed to construct all the other necessary capital facilities such as schools, waste-water reclamation facilities, sewer treatment etc.? What challenges do you foresee in implementing these mechanisms?
3. Mitigation measure 4.11-1 mentions a program that ties residential development to job growth within the community. We as planners would be very interested in gaining some insights on how this would take shape. What kind of policy, and or ordinance requirements would be necessary to achieve these goals? How would you be able to mandate policy compliance, over time. Mitigation monitoring could become very complex.

C346

C347

C348



4. Implementation measure 4.13-2 mentions monitoring of a restored habitat corridor. Would a "Habitat Conservation Plan" also be implemented? If so, it is not so stated. I have heard that these are being utilized in other areas of the state. If you should have any guidelines or other form of direction on this matter, I would appreciate your assistance in obtaining it.


C349

5. It would be interesting to see and understand the machinations of a Transportation Management Organization and how they administer a TMO. With the advent of new rules from the SJVUAPCD I am sure we will become familiar with a whole new host of trip reduction methods and incentives that will be included in our CMP's. I was surprised, however, that there was little mention of rapid transit of an inter-regional nature. Recent legislation may speed up the appearance of BART in the San Joaquin Valley.

C350

I would again like to reiterate our appreciation in permitting us to comment on this very ambitious project. If the response to these comments would be awkward in written form, I would be interested in visiting with you to help me see how you plan to face these challenges. Thank you

Sincerely,

  
John D. Mayer

COMMENT LETTERS

MEMBERS OF THE PUBLIC, PRIVATE COMPANIES, AND CITIZENS GROUPS

---



- Mountain House

1-9-92

Call from George Cardinet 510-672-5072

Regarding the Delta/DeAnza Trail, a National Historic Trail. Based on the De Anza Expedition of 1775-1776 who's purpose was to secure the Port of San Francisco for Spain

The San Joaquin County portion of the trail follows Byron Rd (S/ from Contra Costa County) to Patterson Pass Rd. back into Alameda County. There is a monument on Altamont Road (near a fire station?).

National Park Service is in the process of developing a comprehensive plan for designate, developing and/or signing of the route. (Ray Murray, National Park Service)

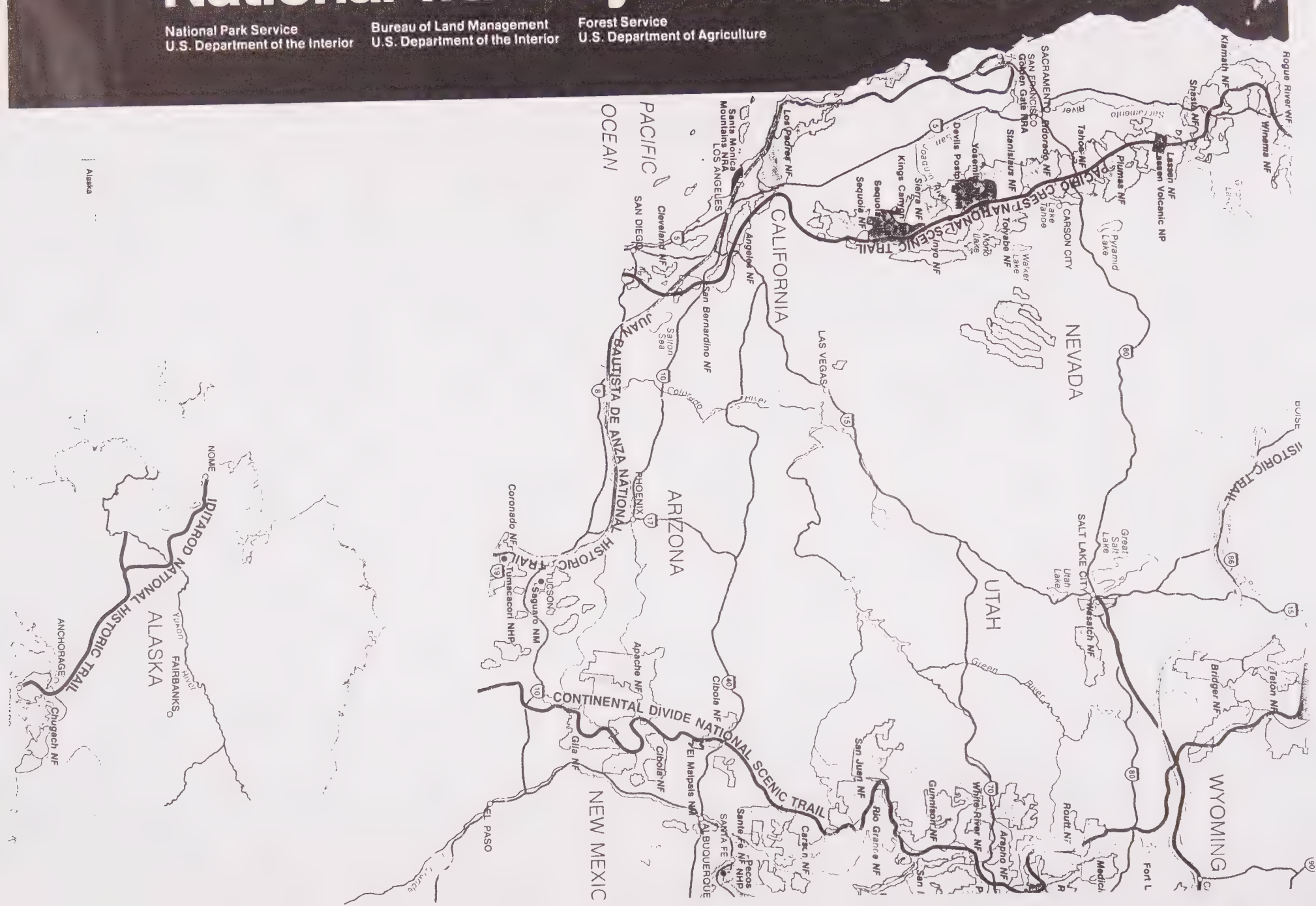
Would like this trail acknowledged as part of the new town <sup>plan</sup> preparation - included in pedestrian routes, by, signing along roadways, etc.

D1

? - not sure what the current status of the trail is



**Forest Service**  
**U.S. Department of Agriculture**



# National Trails System Map and Guide

Forest Service  
U.S. Department of Agriculture

Bureau of Land Management  
U.S. Department of the Interior

National Park Service  
U.S. Department of the Interior

trail clubs. Only 65 miles still need protection through public ownership. Almost 175 people each year hike the entire trail while millions find inspiration and adventure on shorter trips along the "A.T."

*Appalachian Trail Conference, P.O. Box 807, Harpers Ferry, WV 25425; 304-535-6331*

*National Park Service, Appalachian Trail Project Office, c/o Harpers Ferry Center, Harpers Ferry, WV 25425; 304-535-6278*

road motorized vehicles. Some segments are open for use in other states.

*Continental Divide Trail Society, P.O. Box 30002, Bethesda, MD 20814*

*Forest Service, Northern Region, Federal Building, P.O. Box 7669, Missoula, MT 59807; 406-329-3150 (Montana and Idaho)*

*Forest Service, Rocky Mountain Region, 11177 West 8th Avenue, Box 25127, Lakewood, CO 80225; 303-236-9501 (Wyoming, Colorado, and New Mexico)*

Pacific Crest NST



Appalachian NST

## National Historic Trails

**Iditarod  
National Historic Trail**  
Bureau of Land Management  
Established 1978  
2,450 miles, main route 900

The Iditarod is a system of historic trails made famous by Alaska gold prospectors and their dog teams during the late 19th and early 20th century gold rush. Most of the trail is usable only during Alaska's six-month winter when rivers and tundra are frozen. Each year the renowned 1,150-mile Iditarod Sled Dog Race is run along the trail from Anchorage to Nome. Other events include the 210-mile Iditasport race for skiers, mountain bikers, and snowshoers, and the Alaska Gold Rush Classic Snowmachine Race. A network of shelters is being installed by the Bureau of Land Management and the Iditarod Trail Committee.

*Anchorage District, Bureau of Land Management, 6881 Abbott Loop Road, Anchorage, AK 99507; 907-267-1246*

*Iditarod Trail Committee, P.O. Box 870800, Wasilla, AK 99687; 907-376-5155*

**Juan Bautista de Anza  
National Historic Trail**  
National Park Service  
Established 1990  
1,200 miles

In 1775, a party of Spanish colonists led by Col. Juan Bautista de Anza set out from Mexico to establish an overland route to California. They sought to build a presidio and mission overlooking the Golden Gate and secure it from threats by the Russians and British. This party of 30 families, a dozen soldiers, and 1,000 cattle, horses, and mules spent three months traversing the deserts of the Southwest before reaching the missions of the California coast. Another three months were spent traveling up the Pacific coast to the Golden Gate where the city of San Francisco now stands. In 1975 and 1976, an expedition re-enactment took place from Horcasitas, Mexico, to San Francisco.

*National Park Service, Western Region, Planning, Grants, and Environmental Quality, 600 Harrison Street, Suite 600, San Francisco, CA 94107-1372; 415-744-3975*

**Lewis and Clark  
National Historic Trail**  
National Park Service  
Established 1978  
3,700 miles

In 1804, President Thomas Jefferson commissioned Meriwether Lewis and William Clark to explore the newly acquired Louisiana Territory and the "Oregon Country." Setting out in boats from what is today Wood River, Illinois, and following the Missouri River upstream, their expedition eventually reached the Pacific Ocean at the mouth of the Columbia River in 1805 and returned east the next year. In Idaho and western Montana, the route follows roads and trails as it crosses the Rocky Mountain passes. Along the route, state, local, and private interests have established motor routes, roadside interpretive markers, and museum exhibits telling the Lewis and Clark story.

*Lewis and Clark Trail Heritage Foundation, Inc., P.O. Box 3434, Great Falls, MT 59403*

*National Park Service, Lewis and Clark National Historic Trail, 700 Rayovac Drive, Suite 100, Madison, WI 53711; 608-264-5610*





# Southern Pacific Transportation Company

Southern Pacific Building • One Market Plaza • San Francisco, California 94105

IN REPLY PLEASE REFER TO

January 3, 1992

Mountain House

Kitty Walker, Senior Planner  
San Joaquin County Planning Division  
1810 E. Hazelton Ave.  
Stockton, CA 95205-6232

Subject: Review of Draft EIR, Mountain House New Town General Plan  
Amendment, Sch #90020776

Dear Ms. Walker:

In response to your memo of December 13, 1991, Southern Pacific  
Transportation Co. offers the following comments.

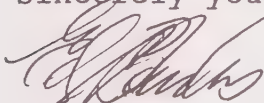
We are concerned about the maximum anticipated flow in Mountain  
House Creek during storm events at buildout and the ability of the  
existing railroad structure above the creek to handle maximum flow.

We note that no noise measurements were made during train pass-bys.  
While train noise occurs in relatively short duration events  
compared with highway noise, the noise level during a train pass-by  
is quite significant. Train noise would probably have the greatest  
effect on the low and medium density housing shown adjacent to the  
north side of the tracks in Fig. 3.7.

One last concern involves foot traffic. Pedestrians and trains do  
not mix well, especially if the pedestrians are juveniles.  
Consideration should be given to some means of restricting access  
to the railroad right of way in the vicinity of the residential  
area mentioned above and in the park area which crosses the tracks  
at Mountain House Creek.

For the present, please consider me to be the contact person at  
Southern Pacific. I can be reached at (415) 541-2840 or at the  
above address.

Sincerely yours,



Ed Banks  
Office Mgr.  
Environmental Dept.

RECEIVED  
JAN - 6 1992  
COMMUNITY DEVELOPMENT DEPT.  
PLANNING DIVISION

Michael J. Barkley  
161 N. Sheridan Ave. #1  
Manteca, AC 95336  
209/823-4817  
January 6, 1991

San Joaquin County Planning Department & Commission

Re: Mountain House EIR, wherever it may be.

Commissioners, Planners,

I would have liked to have seen this EIR before commenting on it, but since you chose not to put one in the Manteca Library despite the obvious impact on Manteca, and since I would have had to take a day off from work even to buy one, it didn't work out.

Now we are going to have yet another out-of-control explosive growth city astride the commute routes into the Bay Area. Great. It makes me sick. The government of this county has done everything it can to make this commute as tough as possible, and nothing, NOTHING, to mitigate the impacts of this destructive growth policy. Regardless of what the law requires you do do, you do nothing. NOTHING. This new town will be more of the same.

SUBSTANTIAL ADVERSE EFFECT ON HUMAN BEINGS: Air pollution from fireplace smoke. It's gotten really bad in this Valley on winter nights.

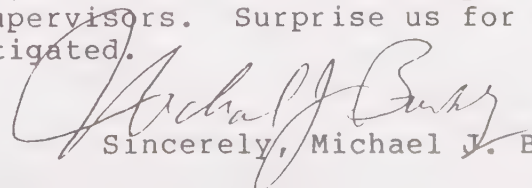
FEASIBLE MITIGATION: Ban original or replacement residential fireplaces.

SUBSTANTIAL ADVERSE EFFECT ON HUMAN BEINGS: More commute traffic on I-580 over the Altamont and through the Livermore Valley, including congestion and air pollution impacts in this Valley and in the Bay Area.

FEASIBLE PARTIAL MITIGATION: Stop diverting, and stop standing idly by while the San Joaquin County Council of Governments and the Transportation Planning Agency in Stanislaus County divert local transit funds and state transit funds away from the unmet local transit needs of commuters and into filling potholes. Stop this unlawful diversion until a commuter bus line over the Altamont to connect with Bay Area commute lines is FULLY FUNDED AND OPERATIONAL.

Oh, I can see it now. CEQA tells you that you have NO POWER TO APPROVE PROJECTS where there are substantial adverse effects on human beings for which feasible mitigations exist UNLESS YOU ADOPT THOSE MITIGATIONS. But you never had to pay attention to the LAW before, have you? You can just go right ahead and destroy San Joaquin County in violation of the law by twisting obvious words like feasible, "capable of being done", into your own peculiar little devious language where it means "incapable of being avoided", right? Do I have your number? You bet I do. Your consultant will tell you that the Mountain House manipulators have adopted other mitigations that partially mitigate these effects so you don't have to adopt these. That is a LIE. If these other mitigations do not FULLY MITIGATE, then you MUST BY LAW adopt these mitigations. It is NOT DISCRETIONARY. You have no choice without violating your oath of office.

But that never stopped you before, did it? Or the morally degenerate San Joaquin County Board of Supervisors. Surprise us for once: make it right, make it legal, make it mitigated.

  
Sincerely, Michael J. Barkley



12-30-91

RECEIVED

DEC 30 1991

COMMUNITY DEVELOPMENT DEPT.  
PLANNING DIVISION

To Whom It May Concern

I am writing in opposition to the creation of anymore towns.

The taxpayers of San Joaquin County have been taxed to the maximum.

We cannot afford anymore loss of agriculture land. If people don't want to farm the government should purchase the land for that purpose. Instead of using tax dollars for more freeways (an politician's job) (keep people working and busy) and drug places, we need to feed the people of America and not become dependent on imports. We need to keep farm related jobs.

Our last comment - we don't need anymore foreign investors to pull out money

people high and dry as well  
as the economy of a town.  
I am citing the Godi Canadian  
owned meat plant, Enough is  
enough - it is time to see  
common sense, reality and  
have an America for future  
generations. I wanted like  
to remind you the real  
estate investment are the  
reason for the S & L plus the  
banks failure. The people  
will forever be paying for that  
liabilities. When do you learn.  
Look at Western Bank and the premiums!!

Georgina Perchett  
3605 E. Hamer

Mountain, Co.  
95336

823-1556

Part of the  
record

January 30, 1992

Mountain House  
New Town GPA  
DEIR

Ms. Kitty Walker  
San Joaquin County  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205

Dear Ms. Walker:

As a Caltrans District 10 System Planning Coordinator, I offered some comments on the ADEIR for this Mountain House (MH) New Town project back in November of last year (11/12/91). These comments were in the form of margin notes on pages from Chapter 4.14, Transportation. I have been reviewing the subject DEIR as time allows, and today have summarized my review comments which are contained herein.

During compilation of my review notes, I became aware that the official District 10 comments put together by ATSD/IGR staff had already been transmitted (this is the final day of review period). Since I expended considerable time and effort on this review (mostly on my own time), I have decided on my own that this effort should not have been in vain. Accordingly, I am transmitting these comments in the hope they will be of some value in your EIR process.

Please keep in mind that these comments were drafted in the context of my work activities here in District 10. Therefore, there are references to "we/us" which should now be considered "I/me". Also, please be advised that these comments have not been reviewed by IGR/ATSD staff or District 10 management and **"do not represent in any way official District 10 comments"**. Consider these unofficial "District 10 Employee Chalk" comments and official "Citizen Chalk" comments.

**Let us begin by acknowledging your recognition that all impacts to the State Highway System (SHS) must be mitigated.** This includes impacts to the point(s) of access interchanges (ICs), as well as impacts to the carrying capacity of the mainline freeways. The freeways which will be impacted by MH are I-205 in District 10 and I-580 in Districts 10 and 4 (Alameda County). The references to mainline impacts as a response to our comments on the ADEIR are a welcome addition to the DEIR. The ADEIR showed no perception that the mainline SHS would be impacted and that those impacts would require mitigation. We commend the County for recognizing that mainline SHS impacts are not excluded from CEQA requirements and we hope that other agencies will follow suit.

**We would like to state emphatically that "we have major concerns about the very significant impacts MH traffic will have on I-205"** and to a somewhat lesser degree on I-5 and I-580 in District 10." We will defer to District 4 on the impacts to I-580 in Alameda County, which we also consider very significant. We are also concerned about the continuing trend of deferring resolution of impact mitigations to subsequent studies such as the Specific Plans (SP) and Project Study Reports (PSRs) referred to in the DEIR. We do recognize that these subsequent studies will be more detailed and based on more specific data. Our concern on deferrals to later studies is that time has the effect of sometimes diluting prior agreements and rendering them less binding and more vague. As time passes, new elected officials, new administrations and new staff make it more difficult to recall and follow-through on various specifics, no matter how well documented.

We would therefore request that the language referring to SHS impacts/mitigations (both IC area and mainline) be made as direct and specific as possible. We would further request that a **specific reference to future resolution of SHS mitigations be included in the Board's "Resolution of FEIR Certification"**. We feel this will help to ensure that direct and specific mitigations included in the FEIR will remain more binding and valid over time.



Direct and specific mitigations spelled out clearly in the FEIR will aid in the preparation, agreement on, and approval/adoption of future SPs and PSRs (and any subsequent Cooperative Agreements). This should smooth out the process of implementing MH development to the mutual benefit of all involved parties. This FEIR specificity should be particularly beneficial to "new players" that will obviously come on board during the buildout phases of this very ambitious project. We would like to emphasize very clearly, **"District 10 approval of future PSRs will be contingent on resolution of all SHS mitigations deferred to subject PSRs"**.

It is District 10's position that those impacting the SHS be required to mitigate those impacts based on traffic loadings on the system. This should result in a proportionate **"fair share"** whereby all developments **"take care of their own"**, hopefully resulting in **"equity for all"**.

We view impacts as using up any existing or planned future reserve capacity, or further impacting an already undesirable LOS on the SHS. Thus, mainline SHS mitigations become a straightforward computation of the project's related traffic proportion (percentage) of freeway lane capacity at the required standard (concept/threshold). This means we expect mainline mitigations for MH impacts to be based on their traffic generated and distributed to I-205 at the Patterson Pass IC and possibly at Grant Line Road IC in Tracy (via Byron and Grant Line Roads). Any impacts to I-580 at the Patterson Pass Road IC would be premised on the same approach. Again, we defer to District 4 on impacts to I-580 via the Grant Line Road IC in Alameda County. Assessment of MH "fair share" SHS mitigation costs is the responsibility of the County via a mechanism of their choice, such as their existing traffic impact fee program.

With SHS impacts/mitigations being based on traffic loadings distributed to the SHS, it becomes obvious that agreement on traffic assignment is of utmost importance. This brings up the issue of traffic distribution and assignment, and our major concerns relative thereto:

- First, we feel that the "Proposed Project Scenario" (PPS) is not realistic with respect to a jobs/housing balance and the "entirely self-contained community concept". In particular, we would suggest that the 70 percent generated trips remaining internal borders on the ridiculous. The comparison with the City of Tracy seems particularly invalid with respect to internal and external traffic distribution. Tracy is a pioneer city consisting of old and new residences, as well as old and new employment. MH will be a community of **"new/new"** with respect to both employment and residential areas. A more valid comparison, particularly for Tracy's home-based work related trips, would be an analysis of only their more recent residential development (Say since the early to mid-1980's) of comparable cost to that anticipated for MH.
- Another issue that would seem to require a "reality check" is that of MH employment intercepting future workers that would otherwise be commuting west over the Altamont to jobs in the Tri-Valley and San Francisco/East Bay Areas (it seems the sponsor's consultant referred to this as "replacement traffic"). While this sounds great in theory, current work related travel habits and patterns would seem to contradict this theory.
- This same "reality check" needs to be applied to the percentage of MH traffic distributed to/from the west via I-580/Altamont Pass. The percentages of both **total** (11) and **work** (32) daily trips to the west (Tables 14-9 & 14-10) seems unrealistic, and when combined with the 70 percent internal trips for the PPS results in "Project Only" traffic shown on Figure 6A. The 4000 ADT for year 2010 MH traffic on I-580 over the Altamont seems ridiculously low for a New Town of about 47,000 population. The minus (-) 500 ADT shown on I-205 west of Patterson Pass Road borders on the comical. We seem to recall a somewhat recent study (SJ COG?) that indicated a very high percentage of new south San Joaquin and Tracy area development work trips to and from the west via Altamont Pass.



- The Market-Constraint Scenario (MCS) would appear to be based on much more reasonable assumptions relative to jobs-housing balance. Even so, the 50 percent of total generated traffic remaining internal still seems high. Additionally, the east/west distribution split appears to be skewed too heavily to the east. This is likely a "typical modeling quirk" of productions/attractions taking the "**gravity line of least resistance**" and may not represent total reality of future distribution/assignment when one considers job pay versus housing affordability (this is true for both the PPS and the MCS).
- The details of trip-end generation, total daily and peak hour traffic, traffic remaining internal, distribution/assignment to the SHS, and the impacts/mitigations thereof must be resolved at the SP and/or PSR stage of MH implementation. As previously stated, this deferral and subsequent resolution of the various issues must be clearly and definitely stated in the FEIR, and preferably included in the certification resolution.

The issue of the future I-205 facility appears to need some clarification. As you are aware, SJ COG has bid for State Highway Account (SHA) funding for widening the section from I-580 to 11th Street from the existing four to six lanes via their 1992 RTIP. It is expected that SJ COG will bid the remaining section(s) in the 1994 RTIP, with partial funding from Measure K funds (impact mitigation fees could also be included). Hopefully, this will result in a "now needed" 6-lane freeway by year 2000. If traffic projections from the County Model (MH included) are reasonably accurate, eight lanes will be needed by the time the six lanes are in place. Obviously this cannot occur, but it should be assumed that eight lanes will be in place by year 2010 (otherwise there will be intolerable congestion). We would suggest that Table 13A (page 4.14.-36) be revised to show eight lanes in 2010, and that this assumption also be included in future model runs.

Another issue concerning future I-205 is footnote 5 on Table 13A, which states an "F" LOS is a significant unavoidable impact since more than eight lanes are not considered feasible. It should be noted that a 36-foot median will remain when eight lanes are in place, and that an additional lane in each direction could be accommodated with a design exception for a 5-foot inside shoulder. This is currently being considered for a similar typical section on I-5 through Stockton, and would be a reasonable future possibility for I-205 (i.e., if the LOS becomes completely intolerable, decision makers will have to consider the pros and cons).

There are other "wrinkles" in the transportation section of the DEIR and we can work with your staff and consultants to clean things up for the FEIR, if deemed necessary. Otherwise, we can also defer these items to the subsequent SPs and PSRs.

We appreciate the opportunity to comment on the MH DEIR and look forward to a coordinated and cooperative effort on subsequent phases/studies as the MH project moves forward. As initially stated, these comments should be considered as unofficial Caltrans District 10 comments, but can be considered official "Citizen Chalk" (who just happens to work for District 10) comments.

Sincerely,



EMMETT CHALK  
1976 E. Charter Way  
(Caltrans District 10 Employee)  
Stockton, CA

Kitty Walker  
Senior Planner  
San Joaquin County  
1810 East Hazelton  
Stockton, CA 95205

Jan. 30, 1992

Jan 31 1992

Re: Draft Environmental Impact Report for Mountain House New Town  
General Plan Amendment

Dear Ms. Walker,

Thank you for the opportunity to comment on this draft E.I.R.  
The following is a list of comments by section:

#### **Section 4.1 Land use and Agricultural Issues**

Impact 4.1-2, Mitigation Measure (a) mentions a 1,000 foot-wide buffer area to separate agricultural from residential uses. Where did this dimension come from, why is it 1,000 sf instead of 2,000 sf. Uses for this buffer are mentioned including: golf course, equestrian center, trail system, and a regional park. The nature of these uses is for people to be out of doors, unprotected from the elements. This seems to be a dangerous condition with the possibility of aerial spraying, odor and chemical drift. Golfers could be sprayed with the latest bug killer as they make their way around the fairways. In addition, no mention is made of a buffer on the east side of the project, this side should be treated in the same manner.

D20

#### **Section 4.2 Zoning and General Plan Policies**

Impact 4.2-1, Mitigation Measure (a) states "Aside from this one conflict with county policies, the remaining mitigation measures would reduce the impact to a level of insignificance". This statement is misleading because for a number of the policies there is no mitigation measures except denial of the project. There are a number conflicts with county policies that cannot be mitigated, such as: 18(b); 13(a)(1,3,4); 13(b)(4).

D21

## Section 4.4 Public utilities

Impact 4.4.4-2, Mitigation Measure (a) mentions aligning streets east to west to produce lots with southern exposure. The prevailing winds come from the west most of the time especially when they are strong, and the wind is very strong here. Aligning the streets east-west would create wind tunnels and not do very much to help break-up the wind. This location has a horrible climate for housing because of the constant heavy winds, and aligning the streets east-west would seem to make it worse.

D22

"Street, lot, and residential design to promote the use of solar energy". This statement is ambiguous, it doesn't mention the amount of solar energy collection that is provided or who is to ultimately provide it. It is very difficult to successfully and permanently incorporate solar energy into a large development. Why is there no mention of wind generators This development is located at one the largest windmill farms in the country. The developers could purchase enough wind generators to power the entire development! This is the best mitigation measure for impact 4.4.4-2.

## Section 4.8 Visual Quality

Impact 4.8-1, Mitigation Measure(a-f) mention several ideas for reducing the visual impact of a city of 40,000 + people. The notion that it is possible to mitigate this impact to a level of insignificance is ridiculous at best, it just is not possible. In addition, screening with evergreen trees seems out of place with the rural character of the area, redwoods would sure be a landscaping error. This impact is a significant unavoidable impact.

D23

Impact 4.8-5, no matter how the lighting is designed it is not possible to control all the glare and reflections to the degree that the impact is insignificant, this is a significant unavoidable impact.

## Section 4.9 Fiscal Impacts

Impact 4.9-1, Mitigation Measure (a) mentions adjustments that can be made in service delivery, fees and charges, etc. that could off-set the imbalance of expenditures over revenues. Are these adjustments adequate to offset costs and are they mandatory?

D24



## Section 4.11 Population, Housing, and Employment

Impact 4.11-1 The developers forecast for commercial development seems extremely optimistic and it seems unlikely there would be any real attraction for businesses to locate in this development especially in today's commercial market. The retail market has changed dramatically in the last 5 years. We have seen a decline in the number of typical neighborhood strip centers where there would be a market, drug store, and 5-15 smaller stores such as cleaners, deli, restaurant, video, etc. It is unrealistic in today's market in this project that there would be the kind and number of retail centers expected by the developers and county.

D25

## Section 4.13 Biological Resources

Impact 4.13, Mitigation Measure (f) This should not be considered as an alternative. This will result in a decrease in the wildlife habitat and there is no immediate threat to any other off-site areas that meet the criteria.

Impact 4.13-2, Mitigation Measure (a). The length of the wildlife corridor is stated as being 100 ft. on each side of the creek. This dimension seems to be arbitrary and is insignificant when compared to the size of the project. In addition animals such as dogs and cats, and people will occupy this zone and inhibit the movement. This project creates a significant unavoidable impact on the movement of animals between the eastern base of the Altamont Hills and the Delta-farmland region to the east.

D26



## Section 4.14 Transportation

Inherent with this projects location and size will be the great difficulty in serving the residents with a public transportation system. It is too far from existing urban development to obtain any extensive bus service, rail service, etc. This project will only contribute to the ever-increasing problems of commuting long distances to urban areas and car dependency. It is doubtful that any of the mitigation measures that encourage public transportation and ride sharing will have much of an impact. The project location is just too remote.

D27

There has been no mention of the policies of the M.T.C. (Metropolitan Transportation Council?) and wether or not this project is an accordance with their policies

D28

Impact 4.14-5, Mitigation Measure (a) Increased traffic on Byron Road has not been mitigated

D29

End of comments.

Thank you and I hope these comments are meaningful and relevant. My family owns property on the river adjacent to this project, I spend a lot of time in this beautiful area and would like to see it preserved.



Robert M. Lyman  
Member Old River Improvement Association  
265 Stevenson Drive  
Pleasant Hill, CA 94523

15541 Kelso Road  
San Joaquin County

January 29, 1992

Mr. Stan Morri, Chairman  
San Joaquin Planning Commission  
San Joaquin County  
1810 East Hazelton Avenue  
Stockton, California 95205

Dear Chairman Morri:

In response to the adequacy of the Draft Environmental Impact Report prepared for Mourtain House, New Town General Plan Amendment, we offer for your consideration the following remarks:

#### Reference Table 2.1

#### LAND USE AND AGRICULTURAL ISSUES

- 4.1-1(a) The loss of 3,600 acres of Prime Farmlands must be mitigated by the replacement of said acreage reclaimed within the existing boundaries of San Joaquin County. D30
- 4.1-2 Delete the last sentence in this paragraph: "If adjoining....is no longer needed." D31

#### ZONING AND GENERAL PLAN POLICIES

- 4.2.1 (b-1) existing 4.2.1 (b)

Add:

- 4.2.1 (b-2) If the project were approved at the proposed project site, the following mitigation measures must be required to protect the fragile environment of Old River: a 1000-foot wide buffer to run the entire length of Old River where the projects boundry runs contiguous to the boundry of Old River. This acreage could be included in the total acreage needed to mitigate the inadequate parkland acreage but would be limited in use and access to pedestrian, equestrian and bike paths only. D32

- 4.2-1(c) Replace current wording with the following paragraph:

In order to create a semi-rural feeling to this project, under no circumstances would structures exceed a height limit of 45-feet in the commercial/industrial areas and 35-feet in the residential/neighborhood areas. D33

## PUBLIC SERVICES

### 4.3.1-1 Replace current paragraph with the following:

"During Phase I, some regional parkland should be provided on-site by the applicant and should be located along Old River. A funding mechanism should be established to fund on-going operation of this park and incorporated into the text of the Specific Plan."

D34

### 4.3.1-2 Replace current mitigation paragraph with the following:

"Existing marinas in the area could be improved to adequately to accomodate the needs of this community. In consideration of no predictable foreclosure of drought conditions in Northern California and with the advent of the Old River Barrier and an open space buffer zone, the plan for a Marina should be deleted from the project."

D35

### 4.3.4-2(a), (b), (c) Replace mitigation paragraphs with the following wording:

"The applicant's public safety plan should include provisions to patrol old river in the immediate vicinity of the Mountain House project due to increased boating and associated water sports that the increase in population will produce."

D36

## PUBLIC SERVICE/SOLID AND HAZARDOUS WASTE

### 4.3.5-1 Line 2 change underline wording: Such programs must include...(see SB 939)

D37

### 4.4.1-2 Change Timing of Mitigation Measure from "SP" to "GPA"

D38

## PUBLIC UTILITIES/WATER

### 4.4.1-1 THROUGH 7 (B) THIS IS SUCH A VITAL SECTION THAT THE TIMING OF MITIGATION MEASURE DESIGNATION SHOULD ALL BE CHANGED TO "GPA"!

D39

## PUBLIC UTILITIES/STORM DRAINAGE

### 4.4.3-1(a) CHANGE TIMING OF MITIGATION MEASURE TO "GPA"

D40

### 4.4.3-2(a) CHANGE TIMING OF MITIGATION MEASURE TO "GPA"

## HYDROLOGY AND WATER QUALITY

### 4.7-1(a) CHANGE TIMING OF MITIGATION MEASURE TO "GPA"

D41

### 4.7-2 CHANGE TIMING OF MITIGATION MEASURE TO "GPA"

4.7-3(b) DELETE MARINA FROM PROJECT

4.7-4(a) & (b) A FORCED CIRCULATION SYSTEM IS AN INADEQUATE MITIGATION TO WATER QUALITY PROBLEMS ASSOCIATED WITH THE PROPOSED MARINA. DELETE MARINA FROM THE PROJECT OR AT LEAST INSIST THAT ALL PERMITS MUST BE OBTAINED PRIOR TO THE GENERAL PLAN AMENDMENT STAGE.

#### VISUAL QUALITY

4.8-3(d) CHANGE "40 FEET" TO "35 FEET"

4.8-3(e) CHANGE "40 FEET" TO "35 FEET"

#### FINANCIAL IMPACTS

4.10-1(c) Begining with Line 3: "Such entities include special assessment districts and Mello-Roos community facilities districts both of which have come under increased dissatisfaction lately with prospective home buyers. Bonds issued under either type of district could represent an important source of revenues for contingency funds, and, in certain cases, ongoing maintenance activities. Infrastructure construction is the responsibility of the applicant."

#### POPULATION, HOUSING, AND EMPLOYMENT

4.11-1 ADD THE FOLLOWING TO THE END OF PARAGRAPH:

"THIS BALANCE OF JOBS/HOUSING IS SO ESSENTIAL TO THE ENTIRE PHILOSOPHY OF THIS PROJECT THAT IDENTIFICATION AND CERTIFICATION OF THE INDUSTRIAL/COMMERCIAL ENTITIES MUST BE MADE PRIOR TO ADOPTION OF THE SPECIFIC PLAN."

#### BIOLOGICAL RESOURCES

4.13-4 Replace Mitigation wording with the following:

"The proposed 60-acre marina should be eliminated. Other San Joaquin County public use ramps and picnic areas such as those located off Manley Road in the Mossdale area and at the end of Dos Reis Road west of Lathrop would provide easy access to the Delta system for the residents of Mountain House New Town while at the same time eliminate many of the potential hazards to the Old River aquatic system caused by a marina operation."

In addition to the above, we would like to insert the word "EQUESTRIAN", where appropriate, along with "PEDESTRIAN & BICYCLE" in addressing pathways throughout the DEIR.



In general, we wish to take the opportunity to thank the County Staff and the various DEIR Consultants on a very thorough and thoughtful report.

Very truly yours,

A handwritten signature in cursive script that reads "Bobbie Landers". The signature is written in dark ink and has a long, horizontal flourish extending to the right.

Bobbie Landers  
for Old River Improvement Association

cc: Ms. Kitty Walker,  
San Joaquin County Community Development Department

15541 KELSO ROAD  
SAN JOAQUIN COUNTY

JANUARY 20, 1992

MS. KITTY WALKER, SENIOR PLANNER  
SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
1810 EAST HAZELTON AVENUE  
STOCKTON, CALIFORNIA 95205-6232

DEAR MS. WALKER:

THANK YOU FOR YOUR EFFORTS TO KEEP THE HOMEOWNERS AFFECTED BY THE  
PROPOSED MT. HOUSE NEW TOWN DEVELOPMENT APPRAISED OF THE  
DEVELOPMENT PROCEEDURE.

I QUOTE FROM YOUR MEMORANDUM OF 12/3/91:

"IT HAS BEEN ALMOST A YEAR SINCE THIS OFFICE SENT YOU THE LAST  
STATUS REPORT ON THE MOUNTAIN HOUSE NEW COMMUNITY PROPOSAL.  
DURING THE COURSE OF THE YEAR, THE COUNTY'S CONSULTANT HAS BEEN  
PREPARING A COMPREHENSIVE ENVIRONMENTAL IMPACT REPORT ON THE  
PROJECT.. THIS DOCUMENT IS, BY FAR, THE LARGEST AND COSTLIEST  
EIR PREPARED FOR SAN JOAQUIN COUNTY." .....

"THE DRAFT EIR WILL BE RELEASED FOR PUBLIC REVIEW AND COMMENT  
DURING THE WEEK OF DECEMBER 16TH. ANYONE INTERESTED THEN HAS 45  
DAYS TO EXAMINE THE REPORT AND SUBMIT ANY COMMENTS....."

SINCE THE DEIR WAS RECEIVED, THE DEVELOPER HAS MADE SIGNIFICANT  
PROPOSAL CHANGES AND THESE CHANGES WERE ONLY AVAILABLE TO US AT  
THE PLANNING COMMITTEE'S FIRST PUBLIC HEARING ON JANUARY 16,  
1992.

SUBSEQUENT TO THE WORKSHOP SCHEDULED FOR JANUARY 21, 1992, WE  
WILL HAVE ONLY EIGHT (8) MORE WORKING DAYS TO COMMENT ON THE  
ADEQUACY OF THE DEIR! SINCE WE ARE HOMEOWNERS WITH OTHER JOBS  
AND RESPONSIBILITIES, AND SINCE THE DEIR WAS PUBLISHED MOMENTS  
BEFORE OUR MOST DEMANDING SEASON OF THE YEAR (CHRISTMAS AND NEW  
YEARS HOLIDAYS), WE ASK BY COPY OF THIS LETTER TO THE CHAIRMAN  
AND PLANNING COMMISSIONERS, AND THROUGH THAT BODY TO THE BOARD OF  
SUPERVISORS, FOR AN EXTENSION OF AN ADDITIONAL 45 DAYS FOR THE  
COMMENT PERIOD TO THIS MOST IMPORTANT DOCUMENT.

WE BELIEVE THIS REQUEST TO BE IN THE SPIRIT OF THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES. THIS PROJECT,  
SHOULD IT EVER BE APPROVED, WILL CHANGE OUR PASTORAL,  
AGRICULTURALLY-ORIENTED BACK YARDS INTO AN URBAN/INDUSTRIAL AREA.  
FROM 30 FAMILIES ON FIVE THOUSAND-PLUS ACRES, A CITY OF 45,000  
PEOPLE IS PROPOSED.

WE CONSIDER THIS TO BE A SIGNIFICANT CHANGE IN OUR ENVIRONMENT.

A CHANGE THAT TOOK A WHOLE STAFF OF CONSULTANTS OVER A YEAR TO

D49

D50

ADDRESS. WE HARDLY BELIEVE THAT AN ADDITIONAL 45 DAYS FOR  
YOUR CITIZENS TO COMMENT IS ASKING TOO MUCH.

IT IS, HOWEVER, OUR RECOMMENDATION AT THIS TIME FOR: "NO  
PROJECT", AND WE ASK THAT COMMENT TO BE LISTED AS THE NUMBER ONE  
MITIGATION IN THE DEIR.

THANK YOU FOR EVERY CONSIDERATION YOU AND THE REST OF THE STAFF  
HAVE SHOWN US.

VERY TRULY YOURS,

A handwritten signature in cursive script that reads "Bobbie Landers". The signature is written in dark ink and has a long, sweeping horizontal line extending to the right.

BOBBIE LANDERS for  
OLD RIVER IMPROVEMENT ASSN.

cc: SAN JOAQUIN COUNTY BOARD OF SUPERVISORS  
SAN JOAQUIN COUNTY PLANNING COMMISSIONERS

D51



January 28, 1992

Ms. Kitty Walker, Senior Planner  
San Joaquin County Department of Planning  
and Building Inspection  
1810 E. Hazelton Avenue  
Stockton, CA 95205

Dear Ms. Walker:

We recently have had the opportunity to review the draft E.I.R. for Mountain House, and attended the public meeting when the issue was before the Planning Commission on January 16, 1992. This correspondence is jointly by the option holder (Wickland Properties) and the owners (Holdeners) of the 200-plus acres at the southwest corner of I-205 and Patterson Pass Road. We wish to comment on a couple of items in the draft.

The map on Figure 4.1-3 (page 4.1-10) is on Williamson contract lands. It shows the greater area, lands under Williamson, and stars to indicate notices filed for nonrenewal. Because the stars indicate both lands within the plan area and outside of it (Alameda County), a first glance interpretation would suggest that it indicates all of the nonrenewal lands on the map. In fact, many other lands on the map, including ours, have filed notice of nonrenewal in expectation of development in the near future.

On page 4.8-10 we find the paragraph:

From I-205, the project would be the first urban development visible to motorists driving east toward Tracy and Stockton. As it is located on the County line, the proposed development adjacent to I-205 would create the northern half of the "gateway" to San Joaquin County. The southern half is currently, and is expected to remain, in agricultural use. . . .

We disagree with the "and is expected to remain, in agricultural use." At the January 16, 1992 meeting you commented that you now have received "pre-applications" for development of both the northeast and southeast quadrants of I-205 and Patterson Pass Road. As previously mentioned, the notice of nonrenewal has been filed on our southwest quadrant. The two largest recent deals to be announced in that part of the County are Safeway and Costco--both south of the I-205 Corridor. Frankly, we doubt that most students of emerging growth patterns in the state of California would find a more viable area for significant near-term development than east of the Altamont along I-205!



Ms. Kitty Walker  
January 23, 1992  
Page 2

We believe it is unrealistic to master plan 1,500-foot setbacks from the interstate for purposes of somewhat subjective goals of visual quality and noise. Inconsistencies arise with mass transit issues, air quality issues, commuter enroute shopping issues, and most importantly, with the issues of jobs/housing balance. Major centers of employment generally want to locate as close to freeway interchanges as they can get. Jobs/housing will be a difficult issue for San Joaquin County to achieve anyway. We believe it is critical that land use be designated along the interstates for those large employment firms who would consider a relocation from the Bay Area to San Joaquin County. This has surely been the case with recent expressions of interest in our property by two major Silicon Valley firms.

This would also give rise to a challenge of the author's phasing plan. It is quite natural that the project proponent would expect the first three phases to be on property he owns or controls, and the fourth phase on property he doesn't. We don't think, however, that this is necessarily consistent with the demands of the marketplace (where the end user wants to go) or with the phasing needs of major infrastructure. Throughout the DEIR we find reference to terms such as "proportionate share" when it comes to financing infrastructure. If early phases require transit lines, utility mains, interchange expansion, arterial expansion, etc., the frontage property should phase at the same time in order to participate. We believe the necessary major improvement of both the interchange at I-205 and Patterson Pass Road, as well as the significant expansion of Patterson Pass Road, can more economically take place if all four quadrants can develop over the same ten-year time frame.

Thank you for the opportunity to comment. Please accept the above as a viewpoint rather than a criticism of the DEIR. We believe that Mountain House is a major opportunity for San Joaquin County, and admire most of the obviously significant work that has been done on the DEIR.

Sincerely,

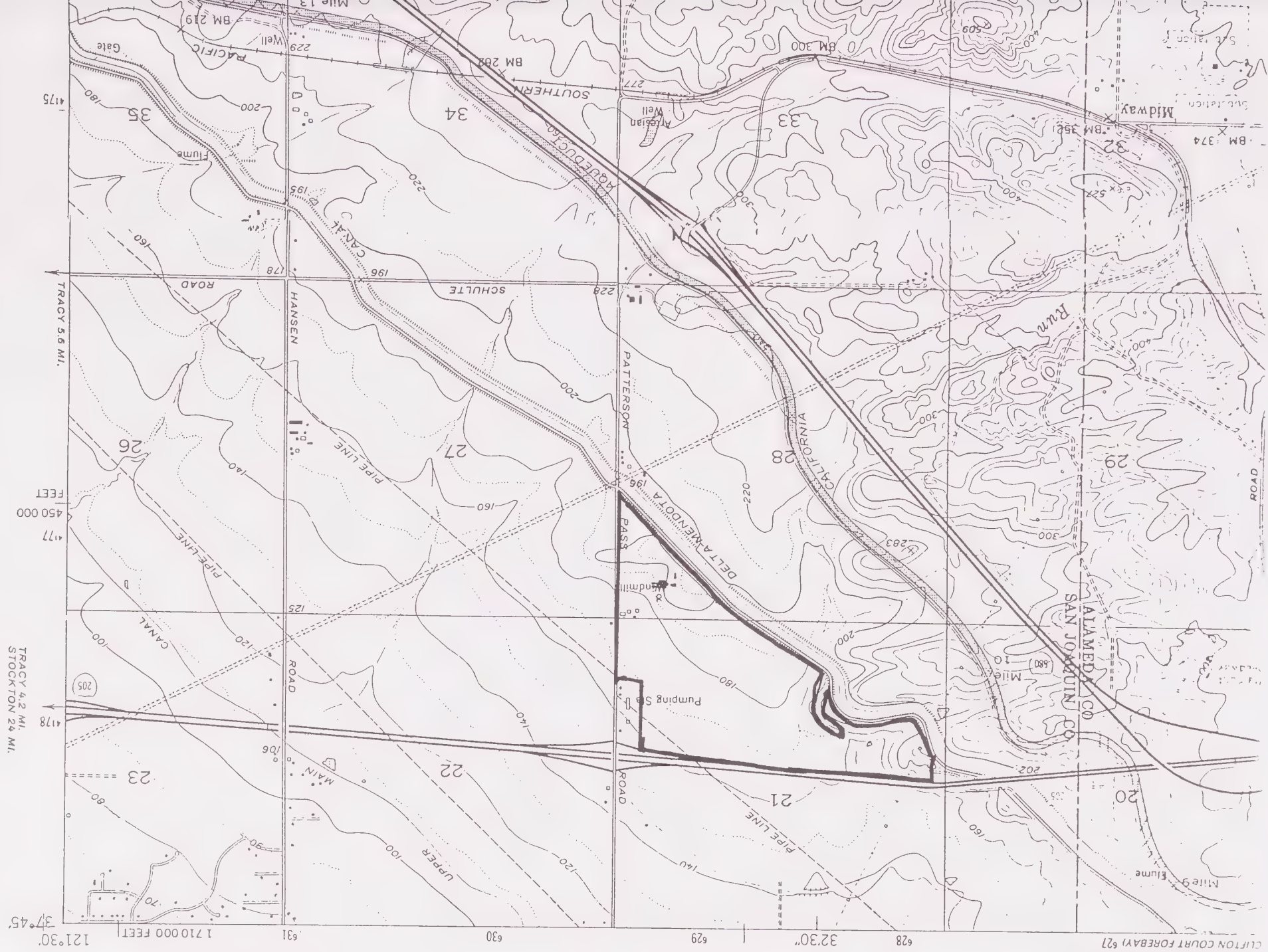
WICKLAND PROPERTIES, Optionee

By: Richard E. Haukness  
Richard E. Haukness  
Director of Real Estate  
(916) 921-3467

CARL J. & ELIZABETH S. HOLDENER, Owner

By: Carl J. Holdener  
Carl J. Holdener

By: Elizabeth S. Holdener  
Elizabeth S. Holdener



Jan. 18, 1992

Ms Kitty Walker- Senior Planner  
San Joaquin County Department of Planning and Building  
Inspection.  
1810 E. Hazelton Ave.  
Stockton, Calif. 95205

Dear Ms. Walker:

The draft Environmental Impact Report(DEIR) has been received. I would like to make a few comments on the proposed planand items covered in the DEIR.

The proposed Mountain House New Town project will take approximately 7.3 square miles of prime agricultural land out of production. I'd like to emphasize production because production of food and fiber is wealth producing for the county and state. A new town construction has an adverse effect because it is a consumer of wealth.

Good agricultural soil is limited in the world and in California. San joaquin county has some of the best in the state and it should not be sacrificed for homes. Once lost it cannot be recovered.

Do we need another town so close to the city of Tracy? Tracy is now a self sufficient City that already has it's streets, commercial area, communications, utilities and managment. The eastern border of the proposed New Town is only 3.5 miles distant from Tracy's western boundary. Although much less agricultural land wpuld be destroyed,use can be made of existing facilities with 'most likely, some improvement and expansion. This would be<sup>a</sup> less costly alternative and would mitigate the many requirements needed for building along the Old River. Aboat basin should not be permittedalong the banks of Old River.

To protect our prime agricultural land the North Livermore alternative site should be given full consideration. That area is much larger and is grazing land hence not crop productive. Livermore has many facilities that could be commonly used by development in it's sphere of influence. This should reducethe overall cost of housing.

The housing proposed for the New Town on Old River in San Joaquin County is primarily intended to house commuters for the East Bay. A similar housing development at Livermore would shorten commute distance; thus reducing costs of commuting and overall transportation.

From an overall viewpoint it appears from the DEIR that there are an abnormal number of adverse conditions requiring mitigation at the Old River proposed site and that the Livermore alternative suggested in the report should be more thoroughly considered.

Sincerely yours,

Raymond A Andresen

*Raymond A. Andresen*





# SAN JOAQUIN AUDUBON SOCIETY

TO: SAN JOAQUIN PLANNING DEPT.  
KITTY WALKER , SENIOR PLANNER

JAN. 21 , 1991

FROM: SAN JOAQUIN AUDUBON SOCIETY  
WALDO HOLT , CONSERVATION CHAIR

RE: DEIR/GPA MOUNTAIN HOUSE SCH # 90020776

Ms. Walker,

Thankyou for providing us with a copy of the DEIR/GPA for MT. HOUSE. Currently all planning information to be sent to the local Audubon society should be sent c/o myself at 3900 River Drive, Stockton 95204. Ms. Schick's address is no longer appropriate.

In regard to impacts to biological resourses we would like to note the following :

1. In association with any proposed marina and increase in boat traffic, impacts to off-site delta wetland/riparian habitat would occur. No analysis of those impacts is given in the DEIR/GPA. An analysis should include boatwake erosion to levees and impacts to wildlife including all listed species discussed on-site as well as the Yellow-breasted chat, (SSC), and the Black rail (ST).

2. In view of the expected federal listing of the Giant garter snake as Endangered and the likely state listing of the Western pond turtle as Threatened it would be correct to reexamine the rather cavalier disussions provided for those species. Giant garter snakes have been found south of the city of Stockton.

D59

D60

3. The discussion of Kit fox ( pg. 4.13-11 ) includes: sightings by local residents of Kit fox on-site and in the immediate vicinity ; collection of possible Kit fox scat ; collection of Kit fox tracks and confirmation by appropriate experts ; and confirmed documentation of recent Kit fox sightings in adjacent areas to the east and to the south . In light of this evidence , mitigation measure 4.13-1(e) is completely inadequate. To merely say that " additional surveys should be undertaken "in no way constitutes mitigation. USFWS and DFG currently are requiring a 3-1 ratio , i.e. 3 acres replaced for every acre of habitat lost. Furthermore, CEQA requires a timely and tangible mitigation monitoring program with legally enforceable responsibilities assigned ( Sundstrom v. Mendocino ) before certification or adoption of the EIR/GPA.

4. The list of bird species supplied on pages 10.16-5 and 10.16-6 contains a number of errors. The "status code " column in particular should not be relied upon as an accurate source of information. For instance the rare Hairy woodpecker is indicated to be a permanent breeding bird while the common Nuttall's or Downy woodpeckers were somehow never observed. The rare Violet-green swallow is described as a summer breeding bird while the common Tree swallow somehow was never observed. We believe that there are at least 15 errors on this list and further that we are justified to allege that an excessive number of errors of omission have likewise occurred. The Tricolored

blackbird (fc2) is another species for which biological studies have been completed which justify a federal listing of Threatened or Endangered (Beedy, Jones & Stokes 1991 ). It is described as a "summer visitant " on project site. The actual status of listed bird species on project site as indicated in this DEIR/GPA can not be relied upon

as accurate .

5. Burrowing owls (SSC) are shown on page 10.1-23 as nesting in two areas, and on page 4.13-8 they are shown nesting in a single and quite different location . The San Joaquin Audubon Society has recently (1991) participated with the Institute for Bird Populations in a census of Burrowing owls in northern California . It has been our misfortune to discover that between latitudes 37.00°N and 39.00°N the population of Burrowing owls has since 1986 declined a projected 51.2% (D.DeSante) . Within San Joaquin county the incidence of decline since 1986 is an even more alarming 58.6% (D.Yee) . Considering this shocking state of affairs , we request that project proponent include detailed, tangible and timely proposals for mitigation for impacts to Burrowing owls.

6. The impacts to Swainson's hawk are incorrectly assessed when the DEIR/GPA relies upon biologists that cannot identify a Swainson's hawk in all of it's color phases (page 4.13-26 "... pairs which were not as easily identified as the pair with contrasting color patterns". It is erroneous to assert that a 1200 acre set-aside provides adequate mitigation for Swainson's hawk . This is an incorrect assumption derived from a misreading of DFG Mitigation Guidelines with regard to minimum criteria for mitigation banks (page 10.16-16). For the relevant criteria for assessing mitigation we refer you to page 10.16-15, B., a.b. and c. Clearly a one to one ratio of replacement is required for this project, and perhaps more (c.). In table 4.13-1 4,270 acres of Swainson's hawk foraging habitat is correctly identified. EIR/GPA certification and approval must be conditioned upon the adoption of a mitigation monitoring program which assures adequate mitigations for Swainson's hawk.

Thank you , Waldo Holt  
conservation chair  
S.J.Audubon Society







January 29, 1992

TO: Kitty Walker  
San Joaquin County Planning Division

FROM: Waldo Holt  
San Joaquin Audubon Society

RE: Mountain House New Town Draft Environmental Impact Report/  
General Plan Amendment SCH #90020776

Ms. Walker,

On January 23 the San Joaquin Planning Commission held an additional public meeting on the Mt. House DEIR/GPA. We feel it pertinent to make additional comments.

At that meeting the revised "mitigated" plan for Mt. House was presented. The mitigated plan no longer includes the option of leaving undeveloped 1500 acres north of Byron Road.

We were told that project proponent will be required to mitigate for 4270 acres of Swainson's hawk habitat. And that project proponent most likely will provide lands in Alameda county to fulfill this requirement. We have four concerns:

1. Negatively impacting wildlife and wildlife habitat within San Joaquin county and then mitigating for those impacts outside of the bounds of San Joaquin county is an unequable precedent that should not be allowed. The benefits of mitigation lands would be denied to the inhabitants of San Joaquin county. The benefits of open space, the benefits of ag-land conservation, the benefits of wildlife preservation

D65

D66



would be enjoyed by another county while the negative effects these measures were designed to mitigate would be endured by the citizens of San Joaquin county.

2. We question if there are 4270 acres of Swainson's hawk habitat in Alameda county. The only suitable habitat appears to be the north-easterly most corner of Alameda county . There does not appear to be habitat of sufficient quantity.

3. Because it is no longer proposed to leave undeveloped the 1500 acres north of Byron Road the Mt. House project shall then be impacting the nesting habitat of several pairs of nesting Swainson's hawks, (DEIR figure 4.13-11 , and pages 4.13-17 — 4.13-21 ). In light of this we think that the increased ratio of mitigation is called for, as per DFG mitigation Guidelines, (DEIR page 10.16-15), " (c.) ... increased mitigation ratios may be necessary ... if a project site provides breeding habitat or forage habitat for more than one pair."

4. The mitigated Mt. House plan will now result in the certain loss of nesting habitat along Old river. Any replacement habitat program must contain provision for the creation and replenishment of ample nesting habitat as well as foraging habitat.

In conclusion , the San Joaquin Audubon Society maintains that there are not over-riding considerations of sufficient quality to justify the infliction of negative impacts to air quality, transportation , loss of ag-land , loss of biotic resources , and quality of life, upon the citizens of San Joaquin county. Therefore , we recommend that the no project alternative be adopted.

Thank you,



Waldo Holt  
Conservation Chair  
San Joaquin Audubon Society  
c/o 3900 River Dr. 95204

CHARLES SPATAFORE  
27880 S. Lammers Road  
Tracy, California 95376  
(209) 835-2701

January 29, 1992

The San Joaquin County Planning Commission  
c/o Chairperson Stan Morri  
1810 East Hazelton Avenue  
Stockton, California 95205

RE: D.E.I.R. - Mountain House

Dear Commissioners:

The undersigned owns the property, totalling 170, acres located west of Patterson Pass Road and North of I-205. The property has been included in the General Plan Amendment Area of Mountain House, even though my property is not under the control of the Mountain House Developers.


The D.E.I.R. contains many proposed mitigations that impact my property. I have never been asked whether I want to be included in the General Plan Amendment or whether I support the mitigation. Furthermore, the current plan as drafted calls for this property to be placed in Phase 4 of the project.

The following sets forth my specific concerns:

1. The proposed inclusion in the General Plan Amendment does not have my approval. D71
2. The placement of the lands in Phase 4 may adversely affect the value of the property. D72
3. The proposed imposition of the buffer zone along I-205 results in a taking of my property. It eliminates the urban development potential while, at the same time, it impacts agricultural value of the land. Normal farming practices will be jeopardized. D73
4. I have not been consulted regarding the proposed land uses. D74
5. The Infrastructure and Financing Plan is to be adopted for the entire project. Are you proposing to lien my property to an extent I cannot afford and then deny me access to development until Phase 4? At this point, I would have no choice but to protest any assessment district. D75

I request that you direct the County staff and the applicant to meet with me to resolve these issues prior to any formal action being taken by the Commission.

Very truly yours,

  
Charles Spatafore

TED C. FAIRFIELD  
Consulting Civil Engineer

January 29, 1992

Planning Commission  
1810 East Hazelton  
Stockton, CA 95205  
Attn: Kitty Walker, Sr. Planner

Dear Ms. Walker:

I am writing in response to your request for comments on the Draft EIR on the proposed Mountain House project. My comments are on behalf of clients who own both significant portions of the DEIR's "North Livermore Alternative Site" and substantial lands within Tracy's planning area.

It is not our intention to evidence either support for or opposition to the Mountain House project, though we suggest that its imminent development would be quite a few years premature. This observation is based upon the fact that the primary function of Mountain House (at least in the short term) would be to house workers/commuters whose jobs are/will be located westerly of the Altamont, and there is substantial land being readied for residential development within Alameda County, much closer to those jobs. As is aptly concluded in your DEIR, much of that Alameda County land is capable of being developed with relatively fewer environmental impacts. In fact, the DEIR makes a good case for early development of the North Livermore area; a premise with which we agree.

Our purpose in responding to the DEIR is primarily to seek answers to questions raised by it and to offer input on a few statements that seem to be at least partially illfounded. Our comments are as follows:

1. Pages 5-35 and 5-36 speak to the presence of an FCC monitoring station in the North Livermore area, with a stated assumption that there must be a two mile diameter clear (undeveloped) zone, centered on that facility.

Please be aware that the FCC has no ownership or easement rights to lands outside of its own borders, nor are we aware of any laws or regulations that would mandate the creation of such a clear zone. Clearly, such a draconian measure, involving the effective "taking" of some 2,000 acres of privately



owned land, could not be sustained, and the DEIR should be amended accordingly.

2. Pages 5-30 and 5-40 state that "Since the water supply is limited and there are no plans to extend [water] service to the North Livermore area, there would not be an adequate water supply to serve the project." This statement, while perhaps true in a literal and instantaneous sense, is, at best, misleading.

It is also true that many studies and planning efforts are under way, by both public and private entities, to substantially increase the available water supply to the area served by Zone 7. These studies generally point to the importation of additional water, combined with development of increased storage facilities, improved management of the underground basin, and increasing use of reclaimed water.

3. Page 5-41 suggests that little of the North Livermore area has been subjected to recent archaeological studies. In fact, the opposite is true, and the vast majority of that area has been studied in detail during the past year or two. In fact, the studies commissioned by us have evidenced no "new" archaeological features of note, but have called into question the credibility of the one "recorded prehistoric archaeological site" described in the DEIR. The most recent conclusion by our archaeologist (December 10, 1991) states "In short, I do not believe that Ala-47 is actually located where it was originally recorded, and I am planning on contacting the California Archaeological Inventory to see what is necessary to have its number taken off their records unless we can obtain either the photographs or the artifacts of the site which were collected by the survey crew in 1951."

4. While it is not our intent to enter into a debate on any of these issues, we do question the underlying logic and credibility of the statements on pages 5-41 and 5-42, to the effect that the North Livermore area and development that may occur therein are inherently more susceptible to relatively greater seismic forces and damages than would be the case at the Mountain House site. Certainly the basis for this conclusion is not made self evident within the DEIR.

5. Page 5-43 suggests that the presence of shallow groundwater in North Livermore "could adversely affect the performance of foundations and pavements in the southern portion of this site." Please merely be advised that, based upon field tests, the conclusions reached by our own geotechnical consultants are at odds with this assumption.

6. Page 5-45 contains statements about jobs/housing balances that confuse us. We do agree that early development of the North Livermore area would substantially improve the Alameda County jobs/housing balance, due to the present and

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"planned" surplus of jobs versus housing in Eastern Alameda County. We do not, however, see that the same could be said with respect to San Joaquin County. In fact, can it truly be said that development of either North Livermore or Mountain House could improve upon an existing imbalance of jobs/housing within San Joaquin County? In any event, we do agree with the conclusion that development of the North Livermore alternative would put housing relatively closer to employment centers.

7. The traffic methodology used in this DEIR leaves us with some questions:

- a. No explanation is offered why, in the "No Project" scenario, the traffic impacts of General Plan development to 2010 plus six announced "new towns" are measured, while in the various "Project" scenarios, the new towns are omitted. Doesn't this have the effect of minimizing the traffic volumes on regional routes attributable to the project? For example, in the "market constrained" scenario, according to Table 4.14-12B (page 4.1-33) the project seems to contribute 18,000 daily vehicles on I-580 in east Livermore. In reality, when considering Tables 4.14-8 and 4.14-9, the actual Mountain House contribution is nearly 27,000 vehicles per day. The difference between the two numbers is presumably due to the traffic from the other "new towns" considered in the "No Project", but not in the "Project" scenario.

Is the rationale for this approach "If project A (or MH) is not built, then project B (or 6NT) probably will be, so therefore the impacts of project A should be reduced by an amount equal to B"? If so, this seems to have the effect of masking specific project impacts.

- b. In the analysis of the North Livermore Alternative Site, it is noted that if a project the size of Mountain House were developed in North Livermore, traffic volumes on I-580 west of the North Livermore site would be about the same as if the Mountain House project were built in its proposed location. However, west of the North Livermore site, traffic volumes would be about 20,000 vehicles less per day if the development occurred in North Livermore. Consequently, as pointed out in the DEIR, there is a reduction in vehicle miles traveled associated with the alternate site, primarily due to the presence of nearby employment in the Tri-Valley area.

8. Isn't it true that, when compared with the North Livermore Alternative, the Mountain House project would result in substantially more miles travelled by commuters? Wouldn't it likewise result in the need (or at least a sooner need) for additional lanes on I-580 over the Altamont pass and westerly thereof?

January 29, 1992  
Kitty Walker, Sr. Planner  
Page 4

Thanks for the opportunity to review and comment on the DEIR. Would you please send me a copy of the Final EIR when it becomes available?

Very truly yours,

A handwritten signature in dark ink, reading "Ted C. Fairfield". The signature is written in a cursive style with a large, stylized "T" and "F".

Ted C. Fairfield

TCF:dlm

# PACIFIC BRIDGE COMPANY

P.O. BOX 956  
OAKLAND, CA 94604-0956

Phone: (415) 533-6000  
Fax: (415) 533-6001

January 27, 1992

San Joaquin County  
ATTN: K. Walker  
Department of Planning and Building Inspection  
1810 E. Hazelton Avenue  
Stockton, CA 95205

RE: Comments on the Mountain House New Town Draft EIR

PHONE: (209) 468-3120

Dear Kiddie:

Thank you for the opportunity to comment on the Mountain House New Town Draft Environmental Impact Report. The Pacific Bridge Company proposes to develop a freeway-oriented Commercial Development at the northeast corner of Patterson Pass Road and Interstate 205. This site is directly across Patterson Pass Road from the Mountain House New Town project site.

The property was acquired about ten years ago for future development because of its key location on Interstate 205. Our proposed project called Tracy Station was reviewed by the San Joaquin County staff at a Pre-Application meeting on October 30, 1991 and the Pacific Bridge Company is in the process of submitting an application for a general plan amendment.

The Pacific Bridge Company is not opposed to the Mountain House New Town. We have, however, some comments on the Draft EIR under review for this project.

The section on Cumulative Impacts (6.1) did not address the proposed Tracy Station project adjoining the project site. The CEQA guidelines require a discussion of the potential cumulative impacts that could result from a project in conjunction with other proposed projects in the vicinity.

Tracy Station is a proposed 157 acre development for freeway-serving commercial uses at the northeast corner of Patterson Pass Road and Interstate 205. The proposed uses include discount retail outlets, automotive sales and service, restaurants, services stations, motels and a family recreation center. All of these are oriented to the freeway traveling public.

The uses proposed in the Tracy Station are clearly not competitive with the proposed Town Center in the Mountain House New Town. The Draft EIR correctly states that the Mountain House site has no intrinsic attributes that would make it an appropriate location for region serving retail space. Therefore, the proposed Mountain House commercial facilities would primarily serve only the community itself. (Page 4.11-9) This is logical since the Town Center would be nearly two miles from Freeway 205. It should be noted that there is a 27 acre freeway serving commercial area within the project site proposed at the

D86

D87

northwest corner of Patterson Pass Road and Interstate 205. However, this site is in Phase IV which would not be scheduled for construction for 15 to 20 years.

The Draft acknowledges that the Mountain House New Town would experience considerable retail sales "leakage" to stores located outside the community. (Page 4.9-8) The gateway location of Tracy Station would however, capture a portion of this leakage, some of which would go to outlets in Alameda County.

San Joaquin County experiences leakage of sales tax revenues to Alameda County because of its lack of appropriately situated regional retail outlets. Currently 65,000 vehicles per day pass the Tracy Station site on Interstate 205 and, by the year 2010, average daily traffic is projected to increase to 145,000 vehicles per day. The proposed Tracy Station project would help to capture leakage of large ticket items out of San Joaquin County from existing and future residents.

For these reasons, we believe it is appropriate that the San Joaquin County general plan be amended to permit freeway related commercial uses at all four corners of the Patterson Pass Road and Interstate 205 interchange.

We thank you for this opportunity to comment on the Mountain House Draft EIR.

Yours truly



Harry M. Nichandros  
PACIFIC BRIDGE COMPANY

HMN:ls



# Land Utilization Alliance

..... P O BOX 1259 STOCKTON CA 95201 (209) 465-4265

January 30, 1992

Kitty Walker, Senior Planner  
San Joaquin County Planning Department  
1810 E. Hazelton, Stockton CA 95205

RE: Draft Environmental Impact Report SCH#90020776, Mountain House.

1) The loss of 3600 acres of prime farmland is an unavoidable adverse impact. Any statement of overriding consideration approved by San Joaquin County should be accompanied by a mitigation bank deposit of 7200 acres of prime farmland development rights located in a sensitive receptor area of the county. Otherwise, a no-project recommendation should be the preferred alternative in this EIR. The EIR should recommend this mitigation be identified in the County's Development Title and related General Plan documents.

D90

2) The EIR should consider a 1000 foot buffer around the entire project in keeping with an "edge" concept (Mitigation #4.2-2(a)).

D91

3) Population figures for the County and the City of Tracy Planning areas should be re-evaluated as the Department of Finance is re-adjusting its growth figures for CA because recent growth rates are not as large as previously projected. The EIR should expand its scope to look at long term trends which could include the slowing of economic growth of the national and state economies.

D92

4) The EIR does not adequately mitigate the project's contribution to regional and local air pollution and related non-compliance with Clean Air Acts. Mitigations presented in the Draft EIR (4.15-10&11) will not improve the present air quality degradation and will likely make it worse.

D93

How does this project address the present San Joaquin County Air Quality Management Plan and subsequent yearly Progress Reports?

D94

The San Joaquin Valley Unified Air Pollution District may fail to develop an indirect source rule and control program. What is the responsibility of this project to the health and welfare of the people in the region in that worst case scenario? What is the estimated real costs of respiratory related health care to the public and to San Joaquin County health programs?

D95

The EIR needs to evaluate Air Pollution Offsets to be acquired by the project equal to it's contribution of pollutants to the region. Perhaps the "offset" mitigation could be "sunsetting" by a superior proposal by the S.J.V.U.A.P.C.D.

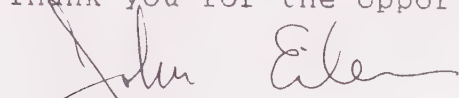
D96

5) Water availability is nonexistent as California is over-drawing its finite supply yearly with no sign of a turnaround. Municipalities are resorting to the "taking" of water from agricultural lands in order to

D97

continue to sprawl. What are the impacts on the economic sustainability of farming in the Byron-Bethany Irrigation District as this project will eventually compete with farmers for scarce water supplies and end up "taking" their historic water usage from them?

Thank you for the opportunity to comment.

A handwritten signature in cursive script, appearing to read "John Eilers". The signature is written in dark ink and is positioned above the printed name.

John Eilers  
Land Utilization Alliance

Pacific Gas and Electric Company

January 30, 1992

123 Mission Street  
San Francisco, CA 94104  
415/972 7000

Ms. Kitty Walker  
Senior Planner  
San Joaquin County  
Community Development Department  
1810 E. Hazelton Ave.  
Stockton, CA 95205-9232

Subject: Mountain House Draft Environmental Impact Report

Dear Ms. Walker:

Thank you for providing Pacific Gas and Electric Company with the opportunity to review and comment on the county's DEIR for the proposed Mountain House New Town General Plan Amendment. We understand that the New Town GPA would allow the development of 4,667 acres to accommodate approximately 45,000 residents and employ approximately 18,000 people. Since the project boundary encompasses several major PG&E facilities, we have an active interest in this project. In addition, a project of this scope may require new or upgraded facilities beyond new typical distribution services. We have prepared the following comments to assist you in preparing the final environmental impact report; however, we would strongly encourage the county and developer to meet with appropriate PG&E staff to discuss our comments in greater detail.

D98 The PGT-PG&E Pipeline Expansion Project crosses the southwestern corner of the New Town project site from the intersection of Grant Line Road and the San Joaquin/Alameda County border to just west of the I-205/Patterson Road interchange. The Expansion Project proposes to provide a long-term, firm supply of natural gas from Canada to local distribution companies, power generation facilities, electrical utilities, industrial gas users, and enhanced oil recovery operations throughout California. This major gas transmission line project involves the construction of a 36"-diameter natural gas pipeline which will parallel the existing PG&E 26" diameter natural gas pipeline shown in Figure 4.4-5 of the DEIR. Current plans call for the proposed 36" pipeline to be located 25 feet east of the existing 26" pipeline through the proposed New Town project site boundary. The existing 30-foot wide easement would increase to 50 feet in this area. Construction activities for this project within the New Town area are scheduled from February to November 1993.

D99 Other major PG&E gas facilities lie within the New Town project boundary. On page 4.4-37 the text should be corrected to change the ownership designation of the Stan Pac 26-inch gas pipeline to PG&E ownership. PG&E is the successor in interest to Stan Pac and has designated this pipeline as "Line No. 2."



Line No. 2 is part of an 118-mile high pressure natural gas pipeline extending from PG&E's Panoche Junction in Fresno County to its Brentwood Terminal in Contra Costa County. The pipeline receives most of its gas from both points for redelivery of gas to local PG&E pipelines along Line No. 2.

Prior to any uses of gas transmission easements, including open space uses, the developer must contact PG&E's Gas Transmission and Storage Land Superintendent (375 North Wiget Lane, Suite 130, Walnut Creek, CA 94598) in order to determine whether the proposed uses are compatible with PG&E's pipeline and rights.

Furthermore, on page 4.4-38, the DEIR states: "Some improvements including drainage basins, recreation areas, parking areas, and landscaping, may be allowed pending PG&E review of the detailed proposal." This is incorrect. Drainage basins are viewed as reservoirs which are prohibited within PG&E's gas transmission easements.

The last paragraph on page 4.4-37 should recognize that the relocation work of the gas transmission pipeline may only be performed between the months of April to September because of the need to maintain a steady and reliable natural gas flow during the winter peak load period.

The developer must contact PG&E's Gas Transmission and Storage's Land Superintendent to acquire PG&E's consent to cross its Line 2 easement with heavy construction equipment. This is necessary to protect the pipeline from damage due to heavy construction equipment load stresses. In addition, the developer must submit landscaping plans detailing the types of vegetation proposed within the open space area encompassing the gas transmission easement. Trees and deep-rooted vegetation are prohibited near the pipeline due to the potential damage such vegetation may cause to the wrapping of the pipeline.

Also, PG&E's predecessor in interest, Standard Pacific Gas Line Incorporated, assigned to Standard Oil Company of California the right to install a pipeline within PG&E's 30-foot wide right-of-way in 1945. In the western half of the 30-foot easement of Line 2, a fuel oil line from Bakersfield area has not been abandoned.

We also recommend that the project proponent contact Mr. Larry Whitehead, Chevron Pipeline Company's real estate representative at 2360 Buchanan Road, Pittsburg, CA 94564 or at (510) 827-7873 for comments relating to Chevron's pipeline and land rights.

Summary Table 2.1 on page 2-22 and Section 4.4.4-1 discuss potential impacts with respect to public utilities. Although the language in



D106 this table is generally satisfactory, we recommend adding specific language requiring PG&E approval of all subdivision plans which affect PG&E facilities, both existing and future. Review and approval would include, but is not limited to, grading, landscaping, building and similar activities.

D107 The statements made on Table 2.1 and page 4.12-4 indicate that transformers containing PCBs may exist on the Weber-Herdlyn and Rio Oso-Tesla transmission lines. These statements should be corrected as there are no transformers within the study area which are electrically connected to these two transmission lines. Transformers are, however, connected to distribution circuits within the study area. The statements should also reflect that the applicant will bear the costs for testing and replacing PCB-identified transformers.

D108 Table 2.1 and Section 4.12-5(f) recommend that signs should be placed at the edge of our transmission rights-of-ways to inform the public of the presence of high-voltage transmission lines and the risks to persons with cardiac pacemakers. PG&E's facilities are under the exclusive jurisdiction of the California Public Utilities Commission. The CPUC's General Order No. 95 sets standards for the marking of high-voltage transmission lines and equipment which PG&E follows as a standard practice. The proposed mitigation measure for this section goes beyond the purview of the county's jurisdictional authority and should, therefore, be deleted.

D109 On page 4.4-37 the DEIR states that existing above-ground distribution lines would have to be relocated underground. This is not a PG&E requirement. We suggest that "would" be substituted with "may."

D110 Also, we suggest that paragraph 2, line 6 be rewritten to state: "The new and upgraded facilities to supply Mountain House with natural gas and electricity would be installed in accordance with extension rules on file with the CPUC."

D111 On page 4.4-39 we take issue with the negative reference to hydroelectric power and question the validity of the statement that this project would increase the pressure to develop other renewable resources. We suggest that this sentence be terminated after the word "gas." In addition, we would like the following statement included at the end of this paragraph: "PG&E has a corporate commitment to meet 75% of the next 10 years' electric demand through customer energy efficiency programs. These programs include energy efficient residential, commercial, and industrial building designs as well as clean air vehicles."

D112 The second paragraph on page 4.4-37 discusses the Contribution in Aid of Construction tax. Because of the new California state tax, the CIAC for electric facilities is 34% while the CIAC for gas facilities is 35%.

D113 [ With respect to costs of relocation which are addressed in the DEIR, the document should clearly state the relocation costs will be at the expense of the developer. Also, an additional mitigation measure should be added to require developers to pay for the relocation of all PG&E facilities located within existing franchise areas to accommodate this development. Any relocations are dependent upon PG&E acquiring necessary rights and permits in a form satisfactory to PG&E to cover the new locations of our facilities.

D114 [ The first paragraph on page 4.12-6 regarding Senate Bill 920 is incorrect. This bill was vetoed by the governor in October 1991.

D115 [ Regarding calculations for EMF magnitudes, our staff is willing to work with the developer. Mr. William Close, our Stockton Division EMF Coordinator, can be contacted at (209) 942-1406.

D116 [ The DEIR contains references to two studies completed by Wertheimer in 1979 and Savitz in 1988. However, this section of the DEIR fails to discuss the most recent study released by the University of Southern California in late 1991. We suggest that a summary of the results of this study be included in the DEIR.

D117 [ With respect to the potential cumulative impacts, the DEIR's mitigation measures for increased cumulative demands for gas and electricity focus on the need for energy conservation and alternative energy use. The DEIR, however, fails to address the possible need for new or expanded PG&E facilities within as well as outside of the proposed project boundaries. As noted in the DEIR, expansion of on-site and off-site utility facilities should be identified as part of this project's overall planning process.

D118 [ As a further requirement, environmental surveys and reviews for the installation of these facilities should be conducted as part of the planning and environmental review process. On-site utility easements necessary to serve proposed projects should be required as a condition of approval.

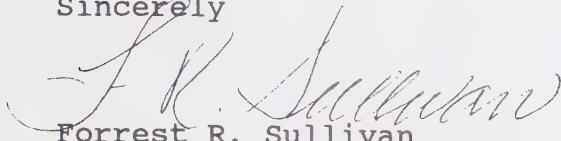
D119 [ All future reviews with respect to deed restrictions should be submitted for comments to PG&E's San Joaquin Valley Land Department, 650 "O" Street, Fresno, CA 93760.

D120 [ To ensure that site development in the vicinity of PG&E's electric facilities does not damage their integrity, prior to a developer obtaining any permits, the developer should be required to submit all plans for review to PG&E's Stockton Division Land Department, P.O. Box 930, Stockton, CA.

Mountain House GPA DEIR  
January 30, 1992  
Page 5

We hope these comments assist you in preparing the FEIR. Please feel free to contact our PG&E representatives or Lu de Silva at (415) 973-5770.

Sincerely

A handwritten signature in cursive script, appearing to read "F.R. Sullivan".

Forrest R. Sullivan  
Director, Land Planning and Acquisition



January 26, 1992

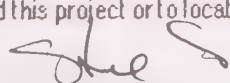
San Joaquin County Planning Department  
Kitty Walker, Senior Planner  
1610 E. Hazelton, Stockton Ca. 95205

RECEIVED  
JAN 29 1992  
COMMUNITY DEVELOPMENT  
PLANNING DIVISION

Re: Draft Environmental Impact Report SCH#90020776, Mountain House New Town Dec. 1991

How anyone can comment on this extensive document in this short time period without the help of an extensive staff is beyond me. But, because of the serious nature of the potential problems of such grandiose schemes, there must be some comments made. The major environmental impacts are well summarized in your staff report (Attachment A, EP-91-1) so I will make a few specific comments on areas which we believe should be emphasized.

- 1) This is an obviously growth inducing project which will not be able to adequately mitigate many of its impacts. Therefore it will worsen existing problems and cause others. Our counties sprawl will begin to match that which has spread from the Santa Clara Valley into the Livermore Valley. D121
- 2) Transportation congestion will increase on the Altamont, 580, 205 and most of the area roads... The only real question will be how much congestion, and how soon will it further clog our highways? The claim that on-site employment will mitigate this impact is impossible to substantiate. It looks like level "F" of service for the area. On-site employment opportunities could just as well cause more traffic as less if most employees came from off site to work here. The idea that the project sponsor would phase development based on actual development of on site employment opportunities for residents is flawed (4.14-42). This would be impossible to enforce. There is no way to force people to live where they work or to employ as workers only those who live in an area. D122
- 3) The sponsor obviously has seen Discovery Bay and wants a marina. What will be the impacts on Delta waterways and wildlife by the additional use generated by the Marina? The Delta waterways are already very crowded, particularly on summer weekends. D123
- 4) What more can be said about the loss of prime farmland which has not already been said? The development will use more water than does the 3,000 acres of prime farmland to be lost. This will make an offsite impact on other areas which will supply this water to the project area. D124
- 5) The area of the project north of Byron Road should not be developed if there is any real concern for wildlife and its essential habitat. This area should be purchased as mitigation for the remainder of the project. It can be seen that (Fig. 4.13.6) that most of the sensitive species noted in the whole project area depend upon this area for survival. If this area is developed it would necessitate the purchase of another area with wetland, riparian and open fields for mitigation. Most of the noted species are wetland dependent. (Tricolored Blackbird, Lilaeopsis, Red Legged frog, Cal. Tiger salamander, western pond turtle, giant garter snake etc.) D125
- 6) No further study of Kit Fox is needed. The reported studies reluctantly admit that Kit Fox are present. They too are found in this edge area along Old River, mitigation should include some similar habitat for Kit Fox. Denial will lead to more, unnecessary studies. D126
- 7) To refer to the Mountain House Creek as a wildlife corridor (4.13-29) is wishful thinking. The area would be more like a gauntlet lined with cats and dogs. Where will the wildlife go on the corridor?, If the area subject to flooding during the 100 year flood event (4.7-3) were preserved as a mitigation area the corridor would truly lead somewhere. D127
- 8) Your consultants seem to have ignored the good possibility that California Hibiscus (Hibiscus californicus) could well occur along Old River. It could be that your study was done too early in the growing season to detect this special status plant. (Free hint: check in August and September). D128
- 9) This "New Town" is so near the expanding city of Tracy that it could best be described as a disconnected suburb of Tracy. Certainly urbanization of the intervening area will be induced by this development. The best alternative would be to either not build this project or to locate it in North Livermore where most of the unavoidable impacts would be avoidable. D129

  
Sincerely, Steve Stocking  
Conservation Co-chair



**Comments of  
Plumbers and Steamfitters UA Local 492  
and Northern California/Northern Nevada  
Pipe Trades District Council 51**

**on the**

**Draft Environmental Impact Report  
for the  
Mountain House New Town General Plan  
Amendment**

**Prepared by:**

**Mark N. Aaronson  
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**Karen Weissman, Ph.D.  
Thomas Reid Associates  
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**January 29, 1992**

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January 29, 1992

VIA FEDERAL EXPRESS

Ms. Kitty Walker  
Senior Planner  
San Joaquin County Planning Division  
San Joaquin County Community Development Department  
1810 E. Hazleton Avenue  
Stockton, California 95205-6232

Re: Comments on the Draft Environmental Impact Report for  
the Mountain House General Plan Amendment

Dear Ms. Walker:

We represent Plumbers & Steamfitters UA Local 492 (Local 492) and the Northern California/Northern Nevada Pipe Trades District Council 51 (Council). Local 492's members live and work in San Joaquin County. The Council's affiliates include Local 492 and other local pipe trades unions in neighboring counties affected by the Mountain House project.

Local 492's members and members of the Council's affiliates depend on a vigorous economy for their work and on responsible development which brings sustainable growth. Construction unions have participated in the permit process for many years. They have often supported projects and will continue to do so. However, Local 492 and the Council have also learned that some projects should not go forward for a variety of reasons. Some are so dangerous to the environment or so poorly planned that they cause a backlash against further development, which then impedes rather than fosters growth. Some are built by non-union, poorly trained, low-paid workers from outside the state. In either case, the proposed projects do not lead to work for qualified union workers, and the economy of the city loses the economic benefits of local employment.

Ms. Kitty Walker  
January 29, 1992  
Page 2

Over the years we have seen irresponsible companies build projects that have caused more pollution than the environment can sustain. We have also seen how projects which do not conform to state planning requirements cause or exacerbate many familiar problems. As a result, we are threatened with construction moratoriums in many counties in California.

Some communities have imposed construction moratoriums because of a lack of sewage treatment capacity as required by the federal Clean Water Act. Other communities have imposed stringent growth control measures because of traffic problems, and lack of schools, park facilities, police protection and hospitals. The burden of these construction moratoriums falls on the construction worker.

Because we have seen poorly planned development reduce rather than expand construction opportunities, Local 492 and the Council have started to ask some hard questions about new projects. Are they environmentally sound? Are they well planned? Will they protect air quality? Will they provide jobs for local people at decent wages? We want to make sure that the answer to these questions is "yes."

To make sure the projects are well planned and responsible, we have taken our case to the public agencies. We have conducted a detailed review of these issues in land use and permit processes so public officials will know the true social, economic and environmental impacts of a project under review. Some of the same developers that shortchange labor also evade their responsibilities to protect the environment. We believe that enforcing business and developer responsibility through the permit process will lead to fairer treatment of workers, as well as better protection for the environment.

At the request of Local 492 and the Council, we have undertaken a review of the Mountain House General Plan Amendment Draft Environmental Impact Report (DEIR) recently completed by San Joaquin County (County). We have also reviewed the County's current General Plan and the Revised Draft General Plan 2010. The DEIR needs further work before it can be certified as consistent with the requirements of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq. CEQA requires that a significantly revised environmental document be recirculated.

Enclosed are our comments along with a report prepared at our request by Dr. Karen Weissman of Thomas Reid Associates, an environmental consulting firm specializing in environmental impact analysis. Thomas Reid Associates has prepared over 250

Ms. Kitty Walker  
January 29, 1992  
Page 3

environmental documents on a variety of projects including major industrial, residential and commercial projects.

Thank you for the opportunity to present comments on the Mountain House DEIR.

Sincerely,

A handwritten signature in cursive script, reading "Mark N. Aaronson".

Mark N. Aaronson

MNA:dpm  
Enclosures

cc: Joe Winstead  
Thomas Hunter  
Rod Cameron  
Karen Weissman



**Comments of  
Plumbers and Steamfitters UA Local 492  
and Northern California/Northern Nevada  
Pipe Trades District Council 51**

**on the**

**Draft Environmental Impact Report  
for the  
Mountain House New Town General Plan  
Amendment**

**Prepared by:**

**Mark N. Aaronson  
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1875 South Grant Street  
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**Karen Weissman, Ph.D.  
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**January 29, 1992**

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## I. INTRODUCTION

The Mountain House Draft Environmental Impact Report (DEIR) addresses plans for the proposed development of a new urban community on 4,467 acres of land, much of which is prime agricultural land now being used for field and row crops. The project site which is sparsely populated is not contiguous to an existing urban area. It abuts the Alameda County boundary line at a location immediately north of I-205 in Western San Joaquin County. If built-out as proposed by the applicant Trimark Communities, Mountain House will have a population of 43,636 people by the year 2010 with all the attendant problems of an urbanized community.

The purpose of this DEIR is to provide information required by the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., prior to San Joaquin County's consideration of a General Plan Amendment and cancellations of agricultural land contracts under the Land Conservation Act of 1965 (the Williamson Act), Government Code section 51200 et seq. It also will serve as an information document for project decisions required of other governmental agencies as well as those subsequently made by the County. The General Plan Amendment and the Williamson Act contract cancellations are the first discretionary approvals needed for the Mountain House project and are of major significance for land use planning in San Joaquin County.



A. The DEIR Improperly Defers Necessary Studies

The DEIR drafters have termed their report a "project" EIR (DEIR, at p. 1-2). According to the State CEQA Guidelines, a "project" EIR must examine all phases of the project including planning, construction and operations. (Cal. Admin. Code, tit. 14, sec. 15161.) Under CEQA, a thorough EIR analysis is required at the earliest feasible time so as "to enable environmental considerations to influence project program and design." (Cal. Admin. Code, tit. 14, sec. 15004(b); *Bozung v. Local Agency Formation Commission of Ventura County* (1975) 13 Cal.3d 263, 282 [118 Cal.Rptr. 249, 262].) This analysis must include an assessment of mitigation measures for each significant environmental impact. Delaying a discussion of actual mitigation measures and possible project modifications to a future study or subsequent approval stage directly conflicts with the requirements of CEQA. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306 [248 Cal.Rptr. 352, 358].) D130

The Mountain House DEIR is fatally flawed because throughout it defers to future study and review critical environmental considerations concerning the scope, feasibility and impact of the project. These matters need to be fully analyzed at the outset if the EIR is to function as an information document upon which to base project decisions. To rely on subsequently developed material to determine the project's effects and the mitigation measures necessary undermines the very purpose of CEQA and leads to "the sort of post hoc rationalization of agency

actions that has been repeatedly condemned in decisions construing CEQA." (*Id.* at 307 [at 353].)

In this instance, the County is being asked to permit the transformation of prime agricultural land into a mix of urban uses without knowing, for example, the specific impact on and replaceability of existing wetlands, the feasibility of the proposed wastewater treatment facility, the adequacy and quality of the water supply for residential consumption, the impacts on the habitats of protected species, and the potential costs of soil remediation on obtaining financing for the project. Decisions regarding such issues will crucially affect whether the project can go forward and at what scale.

B. The Project Will Have Significant, Unavoidable Adverse Impacts

The failure to analyze adequately such concerns as part of the DEIR is especially troublesome because the DEIR unequivocally concludes with respect to other critical issues that the proposed project will have unavoidable impacts of major consequence, which cannot be mitigated to a level of insignificance. These unavoidable adverse impacts include the loss of 3,600 acres of prime agricultural land, a outcome which also conflicts with the County's General Plan policy of discouraging the premature and unnecessary conversion of prime agricultural land,<sup>1</sup> and

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<sup>1</sup> The Open Space/Conservation Element of the current San Joaquin County General Plan states, "The discouragement of premature and unnecessary conversion of prime agricultural land to urban and other incompatible uses is a matter of public interest and concern." (At p. 7.) The revised draft San Joaquin County General Plan 2010 states that new communities shall "be

unmitigable consequences for traffic and air quality as a result of a projected 249,000 additional daily vehicle trips generated by the project at build-out. Throughout all phases of the project, automobile usage will contribute significantly to existing and projected Level of Service (LOS) traffic deficiencies on roads and highways and to increased emissions of criteria pollutants that will further exacerbate air quality in the San Joaquin Central Valley and the Bay Area basins. Other unavoidable significant impacts acknowledged in the DEIR are potential hazards from seismic activities and temporary construction noise.

The studies and assessments called for but not undertaken as part of this EIR may well reveal that there are additional unavoidable significant impacts. At the very least, they will indicate the extent and cost of the mitigations necessary to reduce adverse environmental consequences. Such additional information is critical to determining whether, on balance, the potential benefits of the proposed project outweigh the negative effects on the environment.

C. The DEIR Evidentiary Record Does Not Support Findings of Overriding Considerations

When there are significant unavoidable impacts, the County cannot approve the project without specific findings that there are overriding considerations which make the project

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located so that growth is directed away from prime agricultural land and other significant environmental resources." (Vol. I, at p. IV-8.)

"acceptable." (Cal. Admin. Code, tit. 14, sec. 15093.) The economic and fiscal analysis contained in the DEIR strongly indicates that such overriding considerations are absent. The County's need for additional housing can otherwise be satisfied. (DEIR, at pp. 4.2-20 to 21.) The attraction of the project site for new industrial and commercial uses is tenuous, at best. (DEIR, at pp. 4.11-7 to 9.) Even the prospect that new general revenue funds will exceed General Fund-financed service costs required by the project is questionable and dubious. (DEIR, at p. 4.9-14.)

D. The DEIR Does Not Provide Sufficient Information for CEQA Certification

Although the DEIR drafters cover some issues well, the overall product is, nonetheless, deficient and inadequate. The extent to which decisions have been made to defer to future study and assessment critical environmental issues is not legally justifiable. There are also pivotal oversights in assumptions regarding individual and cumulative impacts, in discussing growth-inducing effects, in laying out alternatives, in the treatment of mitigation measures, in addressing General Plan inconsistencies, in providing information required for findings under the Williamson Act, and in accounting for pertinent social and economic considerations.

A project of Mountain House's size requires substantial, additional study before there will be sufficient information available to determine its potential impact. Given the likelihood that such additional study will provide significant



new information, the DEIR will have to be revised and recirculated for further public comment before it can be certified as complying with the requirements of CEQA. (Public Resources Code sec. 21092.1; *Sutter Sensible Planning v. Sutter County Board* (1981) 122 Cal.App.3d 813 [176 Cal.Rptr. 342].) Any action to certify the DEIR without undertaking and incorporating further environmental analysis would be impermissibly premature.

II. ENVIRONMENTAL PROBLEMS HAVE TO BE ASSESSED AS EARLY AS POSSIBLE IN THE GOVERNMENTAL PLANNING PROCESS

On an array of issues, the DEIR defers analysis and the development of specific mitigation measures for consideration at a subsequent stage of review. In particular, much is left for assessment at the Specific Plan stage. The result is that at this juncture the County has only partial and incomplete information regarding the multiple effects of converting prime agricultural land to a mix of urban uses. Specifically, the County is being asked to consider the advisability of a major General Plan Amendment without knowing whether certain necessary public services and facilities will be feasible and affordable, without having had specific geotechnical investigations undertaken, without a reasonably specific, preliminary financial plan, without an assessment of environmental public health hazards on the project site, and without reasonably complete information regarding the effects of project development on biological resources.

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A. Public Services

With respect to the availability of public services, the DEIR fails to specify and analyze service delivery options and potential costs pertaining to the designation of park and recreational facilities (DEIR, at pp. 4.3-4 to 6), funding for school busing and high school construction (DEIR, at p. 4.3-10), arrangements for providing fire protection (DEIR, at p. 4.3-13) and police services and crime protection (DEIR, at p. 4.3-14 to 15) and programs for the reduction of solid waste (DEIR, at p. 4.3-17).

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B. Public Utilities

A similar, equally uninformative approach is taken with respect to the availability of necessary public utilities. A particularly vexing issue concerns the uncertainty surrounding the steps to be taken to establish a reliable water supply (DEIR, at pp. 4.4-6 to 4.4-16). Matters such as the annexation of parts of the project site to the Byron-Bethany Irrigation District and the design of a water treatment plant are left unresolved to be undertaken as mitigation measures by the applicant at the time of the Specific Plan. Provisions for wastewater treatment (DEIR, at pp. 4.4-16 to 27) are handled in essentially the same fashion. Without some certainty as to the sufficiency of the water supply and the provision of wastewater treatment, Mountain House cannot be developed as a new community.

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### C. Geotechnical Studies

The geotechnical section of the EIR explicitly defers to subsequent studies a detailed investigation of on-site soils, the feasibility and costs of levee reconstruction, and an examination of areas susceptible to liquefaction (DEIR at pp. 4.6-11 to 12). Each of these studies could well result in substantial changes in the land uses for the project site as proposed. They are not matters which can be deferred to a later stage but are directly pertinent to the General Plan Amendment currently being considered.

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### D. Financial and Fiscal Planning

The fiscal and financial impact sections of the DEIR contain much useful information. Unfortunately, the analysis stops short and fails to provide an overall financing plan. While there may be subsequent changes in the project which will require re-analysis, development of an initial financing plan and a commitment to dedicate property for on-site improvements and public purposes should not await the Specific Plan as recommended by the DEIR drafters (DEIR, at pp. 4.10-6 to 10). A project of this ambition should not go forward unless it can be developed without posing an undue financial risk to the County's general revenue sources. It also should not become an unacceptable tax burden for future Mountain House property owners as a result of the compounding of special assessments. The only way to determine whether the project is financially realistic is to do a

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reasonably specific, preliminary financial plan prior to consideration of the General Plan Amendment.

E. Public Health Hazards

Equally disturbing is the DEIR's failure to identify and analyze environmental public health hazards on the project site. For example, the DEIR indicates that a "preliminary assessment of the presence of chemical residues from pesticide and herbicide use should be completed by a qualified professional prior to approval of the Specific Plan." (DEIR, at p. 4.12-10) Given the longstanding agricultural use of the property and the DEIR's own conclusion that the "costs of remediation of contaminated soils could have significant impacts on financing plans" (DEIR, at p. 4.12-10), the decision to delay the appropriate environmental analysis leaves an important void in information.

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F. Biological Resources

With respect to the analysis of biological resources, the DEIR fails to complete the surveying necessary to determine the presence of kit fox, a state-listed threatened and federal-listed endangered species (DEIR, at p. 4.13-28), and only has a cursory discussion of wetland issues (DEIR, at p. 4.13-30). The protection of endangered species and the preservation of wetlands are matters of substantial environmental concern.

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G. CEQA Requires Full Environmental Review at the Outset of a Project

The bottom line is that on a number of critical issues the DEIR has cut short the analysis needed to understand the impact of the proposed project. The approach taken has been to

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characterize as mitigation measures the need to carry out further surveys, investigations, discussions or assessments. These matters are not mitigation measures but important aspects of the initial environmental review.

To defer such review to a later stage conflicts with well-established CEQA principles that environmental problems should be assessed as early as possible in governmental planning and should be considered at a point in the planning process where genuine flexibility remains. (*Sundstrom, supra*, 202 Cal.App. at 307 [248 Cal.Rptr. at 358]; *Bozung, supra*, 13 Cal.3d at 282 [118 Cal.Rptr. at 262; *Mt. Sutro Defense Committee v. Regents of Univ. of Calif.* (1978) 77 Cal.App.3d 20, 34 [143 Cal.Rptr. 365,     ].) That point for this project is prior to the County's consideration of the General Plan Amendment and Williamson Act contract cancellations, not afterwards.

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The delay in analysis resorted to by the DEIR drafters smacks of impermissible piecemeal review. CEQA precludes piecemeal review by broadly defining the "project" which must be evaluated. "'Project' means the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately. . . ." (Cal. Admin. Code, tit. 14, sec.15378(a).)

In *Laurel Heights Improvement Association v. Regents of the Univ. of Calif.* (1989) 47 Cal.3d 376 [253 Cal.Rptr. 426]), the Court specifically considered the tradeoff between analyzing the environmental effects of a project early enough in the

development of the overall project to avoid piecemeal review, and yet late enough to have reliable evidence of the environmental impacts of a project. The court concluded that even though precision may not be possible if the analysis is performed when the future action has not been fully determined, the agency must nevertheless perform the analysis and "use its best efforts to find out and disclose all that it reasonably can." (*Id.*, 47 Cal.3d at 399 [253 Cal.Rptr. at 435], quoting Cal. Admin. Code, tit. 14, sec. 15144.) Such forecasting cannot be put off to a later stage in the development of a project. The DEIR is critically inadequate in this regard.

III. AN EIR'S CUMULATIVE IMPACT ANALYSIS NEEDS TO TAKE INTO ACCOUNT THE PROJECT'S IMPACTS AND THE IMPACTS OF OTHER REASONABLY FORESEEABLE PROJECTS

CEQA explicitly requires that an EIR find that a project may have a significant effect on the environment if "[t]he possible effects of a project are individually limited but cumulatively considerable." (Pub. Resources Code sec. 21083(b).) The CEQA Guidelines define "cumulatively considerable" to mean "that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (Cal. Admin. Code, tit. 14, sec. 15065(c).) The CEQA Guidelines further specify that an adequate discussion of cumulative impacts include a listing of "past, present, and reasonably anticipated future projects," a "summary of the expected environmental effects" of the relevant projects and a

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"reasonable analysis of the[ir] cumulative impacts." (Cal. Admin. Code, tit. 14, sec. 15130(b).)

The courts have vigorously enforced the obligation to discuss cumulative impacts. In *San Franciscans For Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61 [198 Cal.Rptr. 634], the court called the cumulative impact analysis "vital" and concluded that an inadequate cumulative impact analysis subverts an agency's ability to adopt appropriate and effective mitigation measures and skews its perspective concerning the benefits of particular projects. (*Id.* at 73 [at 639], and at 80 [at 644].) (Accord, *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692 [270 Cal.Rptr. 650, 662]; *Mountain Lion Coalition v. California Fish & Game Comm'n.* (1989) 214 Cal.App.3d 1043 [263 Cal.Rptr. 104]; *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421 [222 Cal.Rptr. 247].) D143

A. The DEIR Fails to Provide Sufficient Information About the Cumulative Effects of Other Proposed New Towns

In light of the importance of an adequate cumulative impact analysis, the DEIR drafters' failure to incorporate a systematic analysis of the four other major new communities proposed for San Joaquin County is surprising. (DEIR, at p. 6-1.) These other communities which are referred to as Liberty, Forest Oaks, Riverbrook and New Jerusalem are included in the recently released draft EIR for the revised Draft General Plan 2010 for D144

San Joaquin County. [ Particularly with respect to land use, transportation, air quality and fiscal issues within the County, the cumulative impacts of these projects along with Mountain House are of major significance. To not take into account specific information regarding the development of other new communities known to be in the pipeline completely skews the perspective of decision-makers as to the viability and desirability of Mountain House as a major undertaking. A passing reference now-and-then to these other new communities and their collective impact upon existing communities does not remedy this critical deficiency.

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B. The Decision to Consider Only Projects Within 20 Miles of the Project Site is Arbitrary

Given the magnitude of the Mountain House project and the need to take into account regional environmental considerations, the decision of the DEIR drafters to limit the cumulative analysis to projects within 20 miles of the project site is arbitrary. The drafters provide no explanation for this decision. Furthermore, the presentations under separate topical headings of the cumulative environmental impacts of the various projects listed are unevenly and, for the most part, sparingly analyzed. Lastly, the appendix to these comments lists a number of additional projects, which also should have been taken into account. The DEIR's listing and discussion of cumulatively relevant projects is not sufficiently comprehensive and inclusive.

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The treatment of cumulative impacts is mainly ritualistic.



In only a few instances does the DEIR provide a useful perspective on how the development of Mountain House would interrelate with other relevant proposed projects. The overall analysis comports with neither the letter nor the spirit of CEQA.

IV. THE DEIR PROVIDES ONLY A VERY BRIEF AND TRUNCATED DISCUSSION OF THE GROWTH-INDUCING IMPACTS OF THE PROJECT

The DEIR devotes less than one page to a discussion of the growth-inducing effects of the proposed project. (See DEIR, at p. 6-21.) Because the project site is not contiguous to an existing community but is in a potential corridor of development from Pleasanton to Manteca along Interstate Highways 580 and 205, it represents a classic case of leapfrog development. The growth-inducing effects of the project are likely to be unavoidable.

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The DEIR's summary discussion of possible mitigation measures is not realistic. Adjacent property owners already have expressed interest in developing their properties for non-agricultural uses if Mountain House is approved. It is highly probable that if the County were to seek to create an agricultural buffer area which includes such properties, the County would confront litigation challenging such decisions as "spot zoning" (see *Hamer v. Town of Ross* (1963) 59 Cal.2d 776 [31 Cal.Rptr. 335]) or as violative of the takings clause of the United States Constitution (see *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 [107 S.Ct. 3141]).

Leapfrog development is contrary to the County's own General

Plan policy. (DEIR, at p. 4.2-12.) The only effective mitigation in this instance is to deny the Mountain House project as proposed and consider one of the alternatives contiguous to an existing urban area; otherwise the project's growth-inducing effects are virtually certain to pose additional, significant unavoidable impacts.

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A cryptic analysis of growth-inducing effects is not adequate when a project will serve as "a catalyst for further development in the immediate area." (*City of Antioch v. City Council, City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1337 [232 Cal.Rptr. 507, 514].) The DEIR has not provided a reasonable assessment of the effects of future development which may be provoked by the Mountain House project.

V. THE DEIR'S ANALYSIS OF ALTERNATIVES IS NOT SUFFICIENTLY COMPREHENSIVE AND DETAILED TO FOSTER INFORMED DECISION-MAKING OR INFORMED PUBLIC PARTICIPATION

In considering alternatives to the proposed project, the CEQA Guidelines state, "The key issue is whether the selection and discussion of alternatives fosters informed decision-making and informed public participation." (Cal. Admin. Code, tit. 14, sec. 15126(d)(5).) The courts have interpreted this requirement to mean that an EIR must explain in reasonable detail a range of alternatives to the proposed project and, if the applicant finds them to be infeasible, the reasons and facts in support of such conclusions. (See *Laurel Heights Improvement Ass'n v. University of California*, *supra*, 47 Cal.3d at 406 [253 Cal.Rptr. at 440].)

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The DEIR discusses five alternatives, one of which is the required "no project" alternative. The major oversight in the discussion of these alternatives is the failure to specify and review two additional, reasonably obvious alternatives.

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A. The Need for a Fully Mitigated Alternative

The first is a *fully mitigated alternative* which incorporates all of the important mitigations described throughout the DEIR. This alternative, which is discussed further in the appendix to these comments, is likely to be the environmentally superior alternative.

B. The Need for a Williamson Act Non-Contracted Land Alternative

The second involves the identification of a project site which would not require Williamson Act contract cancellations. In determining whether there are findings which support the cancellation of Williamson Act contracts, evidence must exist that there is "no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put." (Government Code sec. 51282(b)(5) and (c).) While the DEIR addresses in rather vague terms the relative effects of the alternatives on Williamson Act contract cancellations, it neither proposes a site where there would be none nor absolutely forecloses identification of such a potential site.

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C. The Need for Information on the Applicant's Views

While the section on alternatives does compare the extent to which different alternatives meet project objectives, it does not

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provide a factual and reasoned explanation of the project applicant's views regarding the feasibility of the alternatives. As a result, decision-makers and the public have no way of determining what room exists for project modifications and compromise.

D. The Alternatives Analysis is Deficient

An adequate discussion of alternatives lies at the heart of the CEQA process. In *Kings County Farm Bureau v. Hanford* (1990) 221 Cal.App.3d 692 [270 Cal.Rptr. 650], the court succinctly summarized the importance of the alternatives analysis within the EIR. Drawing on a number of earlier judicial decisions, the court stated,

A legally adequate EIR "must produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." It must contain sufficient detail to help ensure the integrity of the process of decision-making by precluding stubborn problems or serious criticism from being swept under the rug. It must reflect the analytic route the agency traveled from evidence to action. An EIR which does not produce adequate information regarding alternatives cannot achieve the dual purpose served by the EIR, which is to enable the reviewing agency to make an informed decision and to make the decision-maker's reasoning accessible to the public thereby protecting informed self-government. (*Id.*, 270 Cal.Rptr. at 670) (citations omitted).)

In not considering a *fully mitigated alternative* and a *non-Williamson Act alternative* and in not spelling out the project applicant's views, the DEIR fails to provide important information needed to make informed decisions about the multitude of problems posed by the proposed project.

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VI. THE DEIR'S TREATMENT OF MITIGATION MEASURES IS ERRATIC

A. An EIR Must Analyze the Feasibility  
of Mitigation Measures

A fundamental requirement of CEQA is that agencies adopt feasible alternatives or feasible mitigation measures that substantially lessen the significant environmental effects of a project. (Public Resources Code secs. 21002 & 21081; Cal. Admin. Code, tit. 14, secs. 15002(a)(3), 15021(a) & 15091(a)(1).) When approving a project for which one or more significant impacts has been identified, an agency must find for each significant impact either that measures have been required which mitigate or avoid the impact, or that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. (Public Resources Code sec. 21081; Cal. Admin. Code, tit. 14, sec. 15091; *Citizens for Quality Growth v. Mount Shasta* (1988) 198 Cal.App.3d 433, 440 [243 Cal.Rptr. 727, 730].) The findings concerning the feasibility of mitigation measures or alternatives must be based on substantial evidence in the record. (Public Resources Code sec. 21081.5; Cal. Admin. Code, tit. 14, sec. 15091(b).)

It is not enough for an EIR to assert that certain mitigation measures might be available. An EIR must discuss the feasibility of mitigation. (See *Laurel Heights Improvement Ass'n. v. Regents of the University Of California* (1988) 47 Cal.3d 376, 404-405 [253 Cal.Rptr. 426, 439-440] (explaining the

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obligation for an EIR to discuss the feasibility of alternatives); *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296 [248 Cal.Rptr. 352] (describing CEQA violation where the agency relies on mitigation measures of unknown feasibility).)

B. A Call For Future Action is Not a Mitigation

The Mountain House DEIR throughout fails to discuss the feasibility of the mitigation measures proposed. Frequently, statements listed as mitigation measures are not themselves mitigation measures. For example, they call for subsequent actions to be taken, such as the recommendation that "[i]nstitutional arrangements for providing fire protection service should be finalized in the Specific Plan." (DEIR, at p. 4.3-13.) This recommendation is hardly a feasible mitigation program for addressing serious problems of fire protection and service. The standards of *Laurel Heights* and *Sundstrom* have not been met by this DEIR.

VII. THE DEIR FAILS TO ADDRESS SOCIAL AND ECONOMIC CONSIDERATIONS OF CONSTRUCTION

Development of the Town of Mountain House will require a substantial construction work force for a prolonged period of time. The phasing of the project contemplates major construction activities from 1993 through 2010. Yet the DEIR provides no information regarding the size of the construction work force and its potential impact on the region and relevant localities.

Just as with other aspects of the project's review,

alternatives and mitigation measures regarding the impact of the project's work force have to be analyzed. In particular, the extent to which qualified workers are available within the County and whether they are paid prevailing wage rates substantially shifts the financial and fiscal benefits and burdens of the project. Heavy reliance on low-paid, out-of-area construction workers potentially imposes an enormous cost on local schools, hospitals and police services. Conversely, such workers spend less money in the local economy thereby constricting the economic benefits of the project for the County and its residents.

Consistent with the CEQA Guidelines, the DEIR does consider social and economic considerations regarding the permanent effects of the project. (Cal. Admin. Code, tit. 14, sec. 15131.) It does not, however, account for the quite substantial and prolonged, interim, social and economic effects related to the type of construction work force used to transform the physical environment from agricultural land to a new urban community. For example, no consideration has been given to the additional demand for public services, schools, police services, housing, medical and health care, and social welfare services if the construction workers employed are from out-of-the-area and need to establish temporary residence nearby.

Given the magnitude of the project, such potential effects cannot be ignored. The courts have held that "the lead agency *shall* consider the secondary or indirect environmental consequences of economic and social changes" and that the agency

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has "discretion to determine whether the consequences of economic and social changes are significant, which is not the same as discretion to not consider these consequences at all." (*Citizens for Quality Growth v. Mount Shasta* (1988) 198 Cal.App.3d 433, 446 [243 Cal.Rptr. 727, 734] (italics in the original); *Citizens Association for Sensible Development v. County of Inyo* (1985) 172 Cal.App. 151, 170 [217 Cal.Rptr. 893, 905].)

A revised DEIR needs to provide information regarding the size and nature of the construction force to be employed at different times, to analyze critical issues such as the likely wage packages and residences of the available work force, and to suggest mitigation measures to prevent unexpected demands on public services and fiscal resources and a less than expected return for the regional and local economy. For a project as encompassing as Mountain House, the economic and social effects of construction employment cannot be disregarded. In carrying out the required CEQA analysis, potential issues, such as school overcrowding caused by the need to absorb the children of temporary resident construction workers, have to be taken into account. (See Cal. Admin. Code, tit. 14, sec. 15064(f).) The DEIR's failure to consider economic and social considerations related to construction is a major oversight.

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VIII. THE MOUNTAIN HOUSE GENERAL PLAN AMENDMENT IS INCONSISTENT WITH POLICIES AND ELEMENTS OF BOTH THE CURRENT SAN JOAQUIN GENERAL PLAN AND THE LATEST DRAFT REVISED PLAN

As required by the CEQA Guidelines (Cal. Admin. Code, tit. 14, sec. 15125(b)), section 4.2 of the DEIR discusses a number of major inconsistencies between the Mountain House General Plan Amendment and elements and policies of both the current San Joaquin General Plan and the Revised Draft General Plan 2010. General Plan internal conflicts normally are considered significant environmental effects. (Cal. Admin. Code, tit. 14, Appendix G, subd. (a).)

A. Project Approval Will Result in General Plan Internal Inconsistencies

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Although the DEIR suggests that most of the identified General Plan inconsistencies can be mitigated to insignificance, the factual basis for this optimistic conclusion is dubious. The DEIR concedes that the loss of prime agricultural land is an unavoidable significant impact. But upon fuller examination so may be the impact on wildlife habitat, whether for the kit fox, Swainson's hawk, the Aleutian Canada goose, or the giant garter snake, all of which may forage on the project site.

There are other examples. The range of housing proposed for the project is fairly narrow. No mitigations have been suggested that adequately address General Plan requirements for a diverse housing stock or to meet the regional and local need for very low and low income housing. Furthermore, the projected jobs/housing

balance is based on a scenario which the EIR drafters themselves question.

B. Mountain House Does Not Meet General Plan Standards for New Communities

The Mountain House Amendment also fails to satisfy many of the standards for developing new communities set forth in the Revised Draft General Plan 2010. It does not direct growth "away from prime agricultural land and other significant environmental resources." It is not structured to "provide a variety and choice of housing for all socio-economic segments of the community." It apparently will "adversely affect the fiscal resources of nearby cities in the County," especially Tracy. (San Joaquin County General Plan 2010 (March 1991), at pp. IV-8 & IV-9.)

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According to the California Supreme Court, "the keystone of regional planning is consistency--between the general plan, its internal elements, subordinate ordinances, and all derivative land use decisions." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 572 [276 Cal.Rptr. 410, 422].) The adoption of the Mountain House General Plan Amendment in the near future would undermine the very purposes of a general plan and the planning process. In *Concerned Citizens of Calaveras County v. Calaveras County Board of Supervisors* (1985) 166 Cal.App.3d 90 [212 Cal.Rptr. 273], the court stated,

If a general plan is to fulfill its function as a "constitution" guiding "an effective planning process," a general plan must be reasonably consistent and integrated on its face. A document that, on its face, displays substantial contradictions and inconsistencies

cannot serve as an effective plan because those subject to the plan cannot tell what it says should happen or not happen. (*Id.* at 97 [at 278].)

The terms and the scale of the Mountain House project fly in the face of policies expressed in the County's current General Plan and the General Plan 2010. The internal inconsistencies interjected by this project cannot be reconciled with sound planning for San Joaquin County.

IX. THE DEIR FAILS TO PROVIDE SUFFICIENT INFORMATION FOR MAKING FINDINGS UNDER THE WILLIAMSON ACT

The DEIR lists as a mitigation for the Williamson Act contract cancellations, that "[a]ll required findings must be made by the Board of Supervisors in order to approve the Cancellation of the Williamson Act contracts." (DEIR, at p. 4.1-16.) This statement is bizarre. The contract cancellations are part of the project under review. If they are not approved, the redesignation of land uses cannot take place for a considerable time to come. The purpose of the EIR is to provide information to allow the Board of Supervisors to make an informed decision and to permit the general public to intelligently comment. The decision to be made is not a mitigation measure.

Some relevant information regarding the Williamson Act contract cancellations can be gleaned from other sections of the DEIR. There is, however, no discussion of the nonavailability of proximate noncontracted land, a required finding under either the statutory consistency or public interest subsections of the Williamson Act. (Government Code, sec. 51282(a)(1) & (2).) The

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information which does exist strongly suggests that any decision to cancel the Williamson Act contracts would be arbitrary. In particular, the Mountain House project would involve discontiguous patterns of urban development in direct contravention of the Act's terms. (See *Honey Springs Homeowners Association v. Board of Supervisors of San Diego County* (1984) 157 Cal.App.3d 1122 [203 Cal.Rptr. 886].)

X. THE DEIR'S ANALYSIS OF CEQA AND PROJECT-RELATED ISSUES IS SUBSTANTIALLY DEFICIENT AND WILL REQUIRE MAJOR REVISIONS AND RE-CIRCULATION

The appendix to these comments addresses a host of specific issues not adequately covered in the DEIR. This factual report is an integral part of these comments. Its analysis will not be repeated here.

The chief purpose of the appended report is to provide additional factual support and analysis with respect to key CEQA issues discussed previously and to highlight a number of environmental considerations given unduly short shrift in the DEIR. It also identifies specific scoping comments not responded to as part of the DEIR. Finally, it discusses the significant unavoidable impacts of the proposed project and its inconsistencies with policies contained in General Plan policies for San Joaquin County.

The appendix was prepared by Karen Weissman, Ph.D., of Thomas Reid Associates, an environmental consulting firm which has prepared over 250 environmental documents on a variety of projects, including major industrial, residential and commercial



projects. The DEIR's deficiencies are so extensive and substantial that it will have to be revised and recirculated. (Public Resources Code sec. 21092.1; *Sutter Sensible Planning v. Sutter County Board* (1981) 122 Cal.App.3d 813 [176 Cal.Rptr. 342].)

## APPENDIX

**Report of  
Thomas Reid Associates**

**on the**

**Draft Environmental Impact Report  
for the  
Mountain House New Town General Plan  
Amendment**

**January 29, 1992**

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# MEMORANDUM

SUBJECT: Review of Mountain House New Town General Plan Amendment EIR  
:

TRA FILE: LMHT  
DATE: January 24, 1992  
FROM: Karen G. Weissman, Ph.D.

TO: Mark Aaronson  
Adams & Broadwell  
1875 South Grant Street  
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## Overview

I have reviewed the Draft Environmental Impact Report for the Mountain House New Town General Plan Amendment. The project proposes a total of 13,369 single family units, and 2,634 multi-family units on 2,398 acres, 275 acres of industrial development, 427 acres of commercial development, 12 elementary and middle schools, and two high schools, sewage and water treatment plants, as well as 750 acres of golf course and parks.

The project is proposed to be built in four phases between 1993 and 2010. At buildout, the project is expected to house over 43,600 people in 16,000 dwelling units and to provide employment for nearly 20,000 people. With these characteristics, the project would have more dwelling units than the existing city of Tracy (12,600 households in 1990), and about 10% of the current population of the entire county. The planning and environmental implications of such a huge project are staggering. To justify approving such a huge scale of development requires a full demonstration to the public and the lead agency that there are benefits of the project which outweigh its adverse effects. This, in turn, requires an extremely thorough analysis in the EIR and supporting documents.

The present application is for a General Plan Amendment (GPA) and related Williamson Act contract cancellations. If the GPA is approved the applicant must follow the GPA with a Specific Plan which is also subject to environmental review under CEQA. On the other hand, other public agencies providing input to the scoping process requested that the GPA EIR address in detail all potentially significant environmental issues, and not defer critical issues to a later stage of review. The reasoning behind this is that the first step of granting the GPA is an acknowledgment that the scale, timing, and type of development proposed are appropriate to the location.

The Draft EIR stated (p. 4.1-14) that "even without approval of the new communities, the County would have more than enough acreage to accommodate the projected 2010 population." In addition, the Draft EIR stated (p. 4.2-6) that the "project is in conflict with many of the county's proposed policies of the Revised Draft Plan 2010 as well as with policies of the adopted Land Use/Circulation Element of the General Plan." In view of these factors, it is

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imperative that a full analysis of the impacts and mitigations be completed before even the general plan amendment is approved.

Careful review of the Draft EIR shows that there are several areas where the EIR is, as it presently stands, inadequate for certification under CEQA. My comments are grouped into three general categories:

- 1) CEQA inadequacies;
- 2) Scoping comments not addressed; and
- 3) Project-related findings when there are unavoidable, significant, adverse environmental impacts.

## I. CEQA INADEQUACIES

### A. Sundstrom Issues

The Draft EIR fails to fulfill the requirements for EIR's as interpreted in the recent case *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296 [248 Cal.Rptr. 352], with respect to a large number of issues. The recent guidance provided by this case dictates that any relevant studies or consultations that may result in project modification or additional mitigations cannot be deferred to after EIR certification. In particular,

"The requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA."

"Environmental problems should be considered at a point in the planning process 'where genuine flexibility remains'....A study conducted after approval of a project will inevitably have a diminished influence on decision-making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA."

Environmental review at the Specific Plan stage of the project is not a substitute for undertaking an initial, comprehensive and thorough analysis. In this case especially, many of the issues for which further studies are indicated affect the fundamental feasibility of the scale of development being proposed for the project site. These studies are relevant to major land use and mitigation decisions, such as whether large portions of the acreage onsite should be set aside in agricultural or wildlife preserves, and whether the overall concept of development should be scaled down to harmonize with the resource constraints that may exist on the site and in the vicinity. The following studies ought not be deferred to the Specific Plan stage, but should be conducted now before action on the General Plan Amendment. In addition, the California Department of Conservation (p. 10.3-19) objected to the proposal to use future studies to determine the appropriate methods to mitigate geologic hazards of the site.

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## 1. Geotechnical Investigation

The geology, soils and seismicity section is one of the weakest sections of the Draft EIR. The information in the EIR is all from pre-existing sources with no actual field studies or testing of conditions onsite, such as mapping of faults, active landslides, or areas prone to liquefaction. The California Department of Conservation, Division of Mines and Geology specifically rejected the applicant's proposal to use future site-specific geotechnical studies to identify the impacts of geologic hazards at the project site. The Department requested that such studies be conducted as part of the present EIR. Yet no such studies were conducted, and the Draft EIR lists as future studies, an erosion and sediment control plan (p. 4.6-11), a detailed geotechnical evaluation of onsite soils (p. 4.6-11), and a detailed study of areas susceptible to liquefaction (p. 4.6-12).

D161

The Draft EIR also failed to provide a study of the potential for subsidence at the project site, and the effect on the project of failure of either the New Melones or the San Luis Dams, as requested by the Division of Mines and Geology. The Draft EIR mentions (p. 4.7-6) that the northern portion of the project site could be inundated during the failure of either of these dams, but gives no specifics, including the velocity and depth of floodwaters, or the effect on public safety and property.

## 2. Riparian wetland protection

The Draft EIR indicated that all of Mountain House Creek and the freshwater marsh northwest of Byron Road are jurisdictional wetlands under Section 404 of the Clean Water Act (Figure 4.13-1, p. 4.13-2). According to the EIR (p. 4.13-29), the project would eliminate all 3.3 acres of the freshwater marsh as well as 5.1 acres of jurisdictional wetlands in Mountain House Creek, 11.4 acres of permanent irrigated pasture and 7.7 acres of drainage swale.

The EIR presents a vague proposal by the applicant to "consolidate" all of the wetlands in a 40-acre wetland at the base of Mountain House Creek. The EIR acknowledges that such a wetland would provide only partial mitigation for the loss of existing wetlands onsite, and acknowledges that the creation of this replacement wetland depends on the approval of state and federal agencies. Presumably (although it is not stated explicitly), this 40-acre wetland is the same 40-acre wetland the applicant proposes to use to pre-treat sewage effluent before discharging to Old River (p. 4.4-24). This "kill two birds with one stone" approach by the applicant appears to be nothing other than a convenient scheme to quickly dispose of two difficult environmental constraints--wastewater disposal and the destruction of wetlands. There is no indication that the 40-acre wetland would be accepted as mitigation by the resource agencies or the United States Army Corps of Engineers (USACE), or that such a wetland could be used for nutrient removal as part of waste treatment.

D162

The EIR should explicitly state that project approval by the county must be conditioned upon a separate approval and permit granting by the USACE. The Section 404 permit for discharge of fill into waters of the United States will require a viable wetland mitigation providing no loss of acreage, function, or



values. (See, USACE Habitat Mitigation and Monitoring Guidelines, October 1991).

The wetland mitigation as presented in the Draft EIR is incomplete, sketchy and optimistic at best, and provides so little information that it would be impossible for the USACE to tell if it is remotely realistic or viable. The USACE requirements for information on proposed mitigation are extremely detailed and specific. Requirements include functions and values of habitat created, time to create habitat, target values include the percent of vegetation cover, wildlife species, canopy stratification, other quantifiable measures of success, detailed description of target hydrological regime, existing functions and values of the mitigation area.

The Draft EIR failed to point out that in many instances, the resource agencies will require proof of successful mitigation before they will allow impact to occur. The criteria for success are so stringent that in practice they may be impossible to achieve, and will certainly be extremely expensive to implement and monitor over the long term. For these reasons, it often turns out to be more cost-effective to re-design projects to avoid wetlands than to mitigate for their loss.

D162

What alternative does the applicant have if the USACE completely rejects the concept of the 40-acre consolidated wetland at the mouth of Mountain House Creek? The applicant must also consider at this stage how the project would have to be re-defined if filling of existing wetlands were prohibited. Unless a realistic wetlands mitigation plan is developed at this stage, it will not be possible to determine whether and how the project should be laid out in the Specific Plan so as to either avoid wetlands or replace them in a manner satisfactory to the USACE.

### 3. Toxics survey

The Draft EIR stated that the project site may be contaminated from its past history of agricultural use. The site may contain storage tanks, pipelines, and pesticide/herbicides residues in the soil. In addition, the site soils and water may contain heavy metals and oil-based compounds from prior natural gas well drilling, asbestos from building materials, as well as PCB's associated with the electrical transmission lines crossing the property. The Draft EIR recommends as mitigation future surveys for such sources of contamination, and remediation during the development of the Specific Plan.

D163

The assessment of the risks posed by hazardous materials, and a remediation plan should not be deferred until the Specific Plan stage, but should be conducted prior to approval of the GPA. The reasoning is that if some of the remediation is exorbitantly expensive, the applicant may choose instead to restructure the project to avoid the contaminated areas and reduce the need for clean-up. The applicant has already made fundamental decisions regarding the general location of each of the major land use types. These decisions were made without benefit of knowing where site contamination existed. By the time the Specific Plan is developed, the flexibility to re-design the project may have been lost.



#### 4. Stormwater management plan

The EIR needs to evaluate the relationship of stormwater management to the new inland water quality standards of USEPA and the Regional Water Quality Control Board. The EIR describes the following potential impacts of storm water discharge: (1) potential pollution of Mountain House Creek and Old River (p. 4.4-30); (2) damage to riparian habitat in Mountain House Creek (p. 4.4-32), (3) erosion and siltation of detention ponds, drainage channels, and Old River (p. 4.4-32), (4) accumulation of debris and petroleum in detention ponds causing odors, algal growth and mosquito breeding (p. 4.4-34) and (5) project construction interfering with the BBID water distribution and drainage systems (p. 4.4-35). Yet the EIR defers to the future all mitigations of these impacts with the provision that the design of the stormwater control system be deferred until the Specific Plan is developed.

D164

The Draft EIR conceptually discusses detention ponds and states that the storm water collection system should be designed and constructed to prevent erosion and minimize pollutant loading. The EIR does not even give an indication of the increase in runoff that could be expected from development of the site at the intensities contemplated. The general magnitude of the impact must be known now, as well as the general sizing and location of the storm drainage improvements. For example, the necessary detention facilities could consume a substantial area of what is now proposed for urban development. The general parameters of the storm drainage system must be evaluated at this stage to determine whether environmentally sound storm drainage control is consistent with the level of development proposed for the property.

##### a. USEPA Urban Stormwater Regulations

The U.S. Environmental Protection Agency (USEPA) has adopted stormwater regulations pertaining to municipalities of all sizes. The project would be considered a small municipality, under 100,000 persons. The final rules were published in the Federal Register on November 16, 1990. In California, the new regulations are to be administered by the Regional Water Quality Control Board.

To comply with the regulations, the project will probably need to include storm drainage systems that encompass Best Management Practices such as the use of commercial parking lots as ancillary detention facilities for short term storage of water. The water retention capability of the parking lots can be improved through the use of pervious pavement, such as cobblestones with grass growing between the stones. Extra lots within subdivisions or grass swales can be used to slow down flow to a main basin.

D165

The project may require stormwater drainage and detention facilities which allow no stormwater discharge to surface water. All stormwater will have to be retained within the property boundaries and allowed to percolate into the ground or to evaporate.

**b. Inland Water Quality Standards**

The California Water Resources Control Board has recently adopted Inland Surface Water Regulations which set numerical standards for pesticides, solvents, and heavy metals for any kind of drainage discharge to surface waters. All point and non-point discharge sources must comply with the regulations. Sources include urban and industrial development, agriculture and mining. The objectives of the regulations are to protect aquatic life and human health, and to minimize exposure to chlorinated organic substances. The inland surface water standards are far stricter than the standards promulgated by the USEPA stormwater regulations.

The standards currently set by the regulations are so strict that most public drinking water supplies are not "clean" enough to be discharged to surface waters. The levels of many pollutants are below the detection limits of current instrumentation and are beyond the capability of current technology to achieve. The effluent limits are to be imposed either through NPDES permits or waste discharge requirements. The cities have ten years to comply with the standards, including the time to hypothetically improve detection methods and purification techniques. D166

The state standards address only discharge to surface waters, and not discharge to groundwaters, as through percolation. As of now, there are no standards set for levels of contaminants in urban runoff percolating to groundwater.

To address the state standards, the project will have to follow county guidelines for Best Management Practices, so as to facilitate County compliance with the regulations. The stormwater drainage system for the project will have to be approved by the County Public Works Department as part of an overall compliance plan. The Draft EIR needs to consider how the project will comply with the stringent inland surface water regulations.

**5. Determination of firm water supply**

The initial phase of the project will require a minimum of 1.4 million gallons per day (mgd) of drinking water. Buildout of the project could require as much as 10.6 mgd on an average day (10,391 acre-feet/year). There are many unresolved issues related to whether the project can be provided with an adequate, consistently available source of such a volume of fresh water. These uncertainties are described below in section III.A, which discusses Significant Unmitigated Impacts. The problem of water supply is intensified by 5 to 6 years of continuous drought in California and the increasing competition for water from the California Water Project, and increasing groundwater overdraft in the Central Valley and elsewhere. D167

The approval of huge new water consumers is questionable when existing customers of many water service districts are being subjected to mandatory water conservation. It would be inappropriate for the county to approve, even in concept, the magnitude of development contemplated on the project site, unless the water supply issues can be resolved and firm commitment of water supply of adequate quality can be demonstrated.

## 6. Specifications of wastewater treatment plant; sludge disposal method

The issue of wastewater treatment for the proposed project is inadequately resolved to support approval of a general plan amendment. According to the EIR analysis (Table 10.9-4 of Appendix 10.9), the project would generate up to 6.55 mgd (average dry weather flow) without water conservation and 5.12 mgd with water conservation. These volumes are larger than those handled by many existing municipal sewer plants throughout the state.

With this volume of sewage, the potential for major pollution of surface and groundwater exists with serious hazards to drinking water supplies and public health. The scale of development proposed for the project site is absolutely dependent upon having a large-scale, high level of municipal waste treatment. Unless a highly detailed, workable scheme for handling wastewater from the source to the ultimate discharge can be demonstrated, it is extremely questionable whether development of the scale proposed can be safely developed at this site.

The EIR (p. 4.4-22) stated that the Bureau of Reclamation has objected to a wastewater discharge to Old River because of the high likelihood of pollution and the proximity of the discharge to the drinking water intake in the Delta-Mendota Canal. There could also be an impact on the Contra Costa County Water District intake if this is relocated to near Clifton Court Forebay.

D168

It is apparent from the EIR discussion that the applicant, at this point in time, has come up with only a haphazard mixture of half-baked ideas to deal with the wastewater issue. At present, the applicant has only a vague idea of what will be necessary in the way of sewage treatment and disposal to serve the project and provide environmental safeguards. Even a "conceptual proposal" for the treatment system has been deferred to the future (p. 4.4-19). For example, the applicant "proposes" to provide only secondary treatment of the effluent (p. 4.4-19), when tertiary treatment will undoubtedly be required to protect downstream drinking water. The applicant has also "suggested" using a 40-acre wetland to pre-treat sewage effluent before discharging to Old River. As the EIR points out, "much more planning and research would be needed to design an effective wetland treatment scheme." (p.4.4-24.)

It is also completely unclear whether the RWQCB will allow any surface water discharge to Old River during the wet season, or whether the applicant would have to provide for up to 120 days of storage during the wet season when land disposal was not possible. This is a requirement for over 2,400 acre-feet of storage, which could necessitate, for example, a basin 240 acres in size and 10 feet deep--the size of a small lake. The EIR has not indicated where such a basin would be located, how it would affect other components of the project, nor the public safety (drowning) risks of such a storage pond.

The so-called plan for land disposal includes some 1,500 acres off the project site. What assurance can be given that these lands will be available for irrigation for the lifetime of the project? What will happen if the landowner decides to develop his property? The problem could be made even



more acute if the Regional Board refused to allow any surface water discharge of treated effluent. If 100% land disposal were required, the project would need between 2,294 and 2,943 acres of land for disposal (5,735 to 7,337 acre-feet/year and 2.5 feet per acre for irrigation.)

The reliability of wastewater treatment systems is highly dependent upon the skill of the operator. It is extremely unlikely that the Regional Water Quality Control Board and the California Department of Toxic Substances would issue permits for a plant unless it were owned and operated by a public authority, such as a city or sanitary district. There is no indication that the applicant has looked into the institutional issue of how the project's wastewater treatment system will be operated.

The Draft EIR states that the 20,258 pounds of sludge per day would be disposed of at the Vasco Road landfill, and that alternative sludge disposal options include land-spreading as a soil amendment, composting, and incineration. The disposal of sludge is not a simple matter, and is becoming highly controversial in the light of stringent new USEPA regulations. The Draft EIR gives no indication that the Vasco Road landfill has agreed to accept this volume of sludge from the project. If disposal in a public landfill is not feasible, then the other options must be fully evaluated.

D168

The sludge from the project will contain a whole array of substances, including heavy metals, organic compounds, and pathogens, which can be introduced from industrial, commercial and residential sources. The various potential disposal methods require that the sludge be within certain prescribed limits for its constituents. Other parts of the regulation pertain to prevention of deterioration of water quality, monitoring and enforcement. The regulations also prohibit the deposition of sewage sludge onto any habitat for endangered species.

There are many issues surrounding the disposal of sewage sludge that will determine whether this volume of sludge can be safely disposed of in a legal manner. It is not sufficient for the EIR simply to lay out the range of options that may be available to deal with sludge. Before the concept of the project is approved, the EIR must fully evaluate the impacts associated with each option, and arrive at a preferred option that will not cause environmental damage.

#### 7. No mitigation for San Joaquin kit fox

There is substantial evidence presented in the Draft EIR (pp. 4.13-11 through 4.13-17) that the federally listed endangered San Joaquin kit fox occurs on the project site. Given this evidence, it is a major omission that no mitigation plan for the kit fox is included in the EIR. The EIR discusses setting aside 1,500 acres north of Byron Road as an agricultural preserve for the Swainson's hawk "and other protected wildlife species", but does not specifically address the mitigation needs for the kit fox. There is no guarantee that the 1,500-acre preserve proposed for the Swainson's hawk will adequately provide for the kit fox, since the kit fox is known to range over much larger distances.

D169



The San Joaquin kit fox is the only currently federally listed species which occurs in the project area. The Endangered Species Act prohibits "take" of the species unless either (1) a non-jeopardy opinion is rendered by the U.S. Fish and Wildlife Service subject to Section 7 of the Act or (2) a permit for incidental take is granted by the Fish and Wildlife Service under Section 10(a) of the Act, pursuant to an approved habitat conservation plan. Section 7 would be triggered if there is a federal action involved in the project, such as a U.S. Army Corps of Engineers permit for filling jurisdictional wetlands, under Section 404 of the Clean Water Act. If not, private action resulting in take is subject to Section 10.

If the county were to approve a project resulting in the take of an endangered species, and the project were to be built, then both the developer and the county would be in violation of federal (and state) law. This violation is subject to civil and criminal penalties, which could include the federal or state government enjoining further development.

The EIR suggests (p. 4.13-28) that in lieu of setting aside the acreage north of Byron Road, that offsite mitigation is possible, provided it meets certain criteria. The feasibility of offsite mitigation is questionable. Moreover, if state or federally listed species are involved, the county does not have the authority to approve offsite mitigation, and can only approve absolute avoidance of the species. The EIR is inadequate because it does not provide the information that the alternative mitigation is not within the jurisdiction of the lead agency. The EIR is also inadequate because it fails to inform the local decision makers that if kit fox are present, the approval of the project must be conditioned on separate federal or state permits.

*B. Williamson Act findings analysis of issues*

Currently, 3,243 acres of the project site are in agriculturally protected status under Williamson Act contracts (Draft EIR p. 3-20). The applicant has applied for cancellation of the contracts on 2,919 acres. The Draft EIR lists (p. 4.1-15) the findings which the County Board of Supervisors must make in order to cancel the Williamson Act contracts, as follows:

(a) The cancellation is consistent with the purposes of the Williamson Act. In order to make this finding the board shall make all of the following findings:

- the cancellation is for land on which a Notice of Non-renewal has been served pursuant to Section 51245 of the Government Code;
- the cancellation is not likely to result in the removal of adjacent lands from agricultural use;
- the cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan;
- the cancellation will not result in discontinuous patterns of urban development

- there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land; or

(b) The cancellation is in the public interest. In order to make this finding the board shall make all of the following findings:

- Other public concerns substantially outweigh the objectives of the Williamson Act

- there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

D170

The Draft EIR contains no analysis of the consistency of the project with these required findings. The EIR is supposed to be an informational document which provides the decision-makers with all of the information they need to make their required determinations. Unless the EIR provides this information, there is no assurance that the decision makers will have the full information they need for such a critical decision as the cancellation of the Williamson Act contracts. This lack of information also inhibits significantly the ability of the public to comment.

It is clear that several of the required findings are in doubt. In particular, because the growth-inducing pressures of the project conflict with adjoining agriculture uses, the project is very likely to result in the removal of adjoining lands from agriculture. In addition, there is non-contracted land within spheres of influence of San Joaquin County cities, including Tracy, which is available for urban development. The cancellation will result in a discontinuous pattern of urban development. As the Draft EIR pointed out, the project would result in disfavored leapfrog development. The creation of an entire new town only three miles away from the Tracy urban center is highly questionable from a planning perspective.

It will be difficult, indeed, to show that the Mountain House new town is in the public interest. In particular, the fiscal analysis in the EIR found (p. 4.9-16) that if the proposed project builds out more slowly than anticipated by the applicant, then a net annual deficit for the project would occur throughout the construction period. The deficit could be as large as \$500,000 by the year 2010. In detracting development from existing communities, the project is likely to have adverse effects on the ability of existing governmental entities to meet their infrastructure and debt obligations. The EIR acknowledges that the potential adverse consequences for Tracy are substantial (p. 4.9-18 & 19).

C. *Relationship to other agencies, policies and laws*

The EIR contains a chapter (4.2) discussing the relationship of the project to local zoning and general plans. However, the EIR does not discuss the relationship of the project to other applicable laws and the policies of other interested public agencies, including potentially responsible agencies, as defined by CEQA. Table 3.7 of the Draft EIR lists the required approvals for the project (at pp. 3-22 and 3-23) and the responsible agencies (at p. 3-25). Yet the EIR fails to discuss the laws, policies and specific permit conditions the various agencies will require in order to approve the project. For example, given the a unavoidable, adverse air quality impacts of the project, the EIR needs to be far more attentive than is currently the case to the specific policies and requirements of the San Joaquin Valley Unified Air Pollution Control District and the adjacent Bay Area Air Quality Management District.

The scoping letter from the California State Lands Commission specifically requested that the EIR consider the relationship of the project to the following acts, policies, plans, regulations and guidelines, none of which are specifically addressed within the Draft EIR:

- The Water Quality Act of 1987, The Clean Water Act (Section 404) and related sections in Title 33 (Sections 1151 through 1414);
- The Rivers and Harbors Act of 1899;
- The Migratory Bird Conservation Act (16 USC 715-715s);
- The Migratory Bird Treaty Act (16 USC 703 et seq.);
- The North American Wetlands Conservation Act (16 USC 4401 et seq.);
- The Estuary Protection Act (16 USC 1221-1226);
- Public Law 97-98, Land Use and Site Assessment (LESA);
- Byron-Bethany Irrigation District--contracts and relationship to Bureau of Reclamation;
- California Department of Conservation, Soil Conservation Service, "A Plan for Soil Conservation," 1987; and
- California Department of Fish and Game/U.S. Fish and Wildlife Service, Sacramento-San Joaquin Delta Wildlife Habitat Protection & Restoration Plan, December 1980.

D171

D. *Description and analysis of fully mitigated alternative*

The alternatives to the proposed action described in the Draft EIR include a reduced scale project which would leave in agricultural open space all of the land north of Byron Road and south of Grant Line Road. This alternative would keep about 2,300 acres of the site in agriculture and would reduce residential and commercial development to about half of the proposed project, and industrial development (acreage) to about 30 per cent. The reduced-scale alternative was found to be the environmentally superior alternative (p. 5-1) among the project alternatives.

While the so-called reduced-scale alternative, as devised, reduces many of the project's impacts, this alternative does not go as far as it should. The EIR should consider an additional alternative which could be called the *fully mitigated alternative* and which would incorporate all of the important mitigations described throughout the EIR. The fully mitigated alternative would have the following features in addition to prohibitions on development north of Byron Road and south of Grant Line Road:

- A 1,000-foot wide buffer should be provided along the western boundary of the project site;
- an additional 570 acres of parkland should be provided beyond the applicant's proposal;
- the project should not be larger than the maximum firmly available water supply that can be identified now;
- the project should be designed to take into account all important environmental hazards and constraints, including geotechnical hazards, hazardous wastes, storm drainage features, wildlife protection and a viable wastewater disposal plan;
- the maximum building height limit in industrial areas should be reduced to 45 feet to reduce visual impact;
- industrial buildings should be set back at least 30 to 40 feet from roadways and 100 feet from residential lots;
- medium and high density residential units should have a height limit of 40 feet;
- to avoid a financial deficit to the county, the phasing of residential development should be specifically tied to absorption of the industrial/commercial components of the project;
- the project should provide the mix of housing tailored to match the identified housing needs of workers employed within the project;

D172



- an appropriate width wildlife corridor would be developed along the entire length of Mountain House Creek (the EIR suggested 100 feet as the minimum width on each side of the creek bank);
- the proposed 60-acre marina should be eliminated in favor of a boat launch ramp and day-use parking area to reduce impacts on riparian habitat in Old River;
- the project should be scaled down to the point where project-generated traffic, after mitigation, will not contribute to deterioration of LOS on any local roads or freeways; and
- to reduce noise levels, residential development should not occur adjacent to I-580 or 205.

D172

The impacts of the fully mitigated alternative should be described in the aggregate, compared to the proposed project and to the reduced-scale project as defined in the Draft EIR. The fully mitigated alternative may also turn out to be the environmentally superior alternative since it incorporates more mitigation features than the reduced-scale alternative already studied.

#### E. Cumulative Impact

The cumulative impact analysis in the Draft EIR purports to consider the other new towns in San Joaquin County as well as other projects in neighboring counties within a 20-mile radius of the project site. It is not clear, however, to what extent the impacts of the other, proposed new towns have actually been taken into account. There is little specific information about these proposed developments. It is also not clear why the 20-mile radius was selected. It does appear that a number of large projects have been left out of the list that should have been considered. These projects are indicated in the table below:

ADDITIONAL PROJECTS CONTRIBUTING TO CUMULATIVE IMPACT IN SAN JOAQUIN COUNTY			
PROJECT NAME	TYPE	SIZE	OTHER INFORMATION
<u>San Joaquin County</u>			
Spanos Park		1300 acres	
Escalon Golf Course Subdivision		750 acres	
Collier Ranch			
<u>Stanislaus County</u>			

D173

ADDITIONAL PROJECTS CONTRIBUTING TO CUMULATIVE IMPACT IN SAN JOAQUIN COUNTY			
PROJECT NAME	TYPE	SIZE	OTHER INFORMATION
Mapes Ranch	"New Town" (incl resid., commerc., indust., open space, etc.)	9600 acres	
Boatwright Property	Residential, golf course, commercial		
Del Rio Community Plan Update	Residential, golf course, commercial	1242 acres	
Kaufman & Broad		1100 acres	
Salida		750 acres	

D173

SOURCES: Stanislaus County Department of Planning and Community Development.  
Modesto Bee (1/23/90).

It is also not clear from any information presented in either the Transportation or Air Quality analyses presented in the Draft EIR which projects were included, or not included in the computations of cumulative impact. The list of projects, and assumed contribution of each should be clearly spelled out in a technical appendix.

#### F. Energy Consumption

CEQA requires that the EIR evaluate the project's effects on energy consumption if the project would consume substantial amounts of fuel or energy. A project of this magnitude would consume substantial amounts of fuel or energy, so that the energy consumption by the project should have been considered in the EIR. While it could be argued that any development must consume additional energy, the EIR discussion should focus on whether the energy consumption by the project would be unusually large for a project of its size and type, thus consuming excessive amounts of energy. It appears that this would be the case, since the project would generate a larger-than-average amount of vehicle miles traveled due to its remote location from most urban centers.

D174

G. Other technical deficiencies

1. Air impacts of industrial project component not addressed

The Draft EIR mentions (p. 4.15-9) that

"the industrial portions of the project could include industrial sources of air pollutants. Industrial emissions could be criteria pollutants or toxic air contaminants (TACs). The type or amount of such emissions is not predictable because it would depend on the individual uses that might locate within the project."

D175

Although the Draft EIR mentions that there will be industrial emissions, these emissions are not considered at all in the quantitative analysis of project emissions. Tables 4.15-3 and 4.15-4 of the Draft EIR list only automobile and residential emissions, which gives a misleading estimate of the total emissions from the project and makes it seem that emissions are lower than they will be. While it is true that the exact nature of the industrial tenants in the project is not known at this time, some assumptions should have been made to allow at least a generic type analysis. It is feasible to make assumptions about the type of industry that could occupy the industrial space in order to make projections about the industrial air emissions. The EIR needs to be revised to take into account all projected emissions from the project in a uniform, quantitative manner.

2. Inadequate Survey for Aleutian Canada Goose

The Draft EIR states (p. 4.13-23) that

"The Central Valley is the main wintering ground for this federal-listed endangered subspecies. Like other geese, it forges on newly sprouted grasses, including oat and barley. Thus, on a given evening, it is conceivable that a flock of Aleutian Canada geese would settle into the project to graze."

D176

Since the Aleutian Canada goose is a listed endangered species considered likely to use the site, it is insufficient for the EIR to dismiss the whole question of Canada goose use and impact with such a statement. In particular, a thorough survey should be made specifically for this goose, not observations simply incidental to other studies. CEQA and the Endangered Species Act require that it be definitely determined whether the species uses the project site, so that impact may be assessed, and mitigation developed, if feasible.

II. Scoping Comments Not Addressed

State Lands Commission (p. 10.3-6)

The State Lands Commission (SLC) requested a mitigation monitoring plan including *financing, scheduling, and responsibility for reporting and enforcement* (italics mine). The Draft EIR discusses financing, but can only provide very rough estimates for those components of the project where the mitigation or infrastructure has only been vaguely defined (e.g. wastewater

D177

treatment system, storm drain system.) In addition, the responsibility for reporting and enforcement is not discussed.

D177

The SLC requested an analysis of the market values of target agricultural lands for preservation. The Draft EIR did not include this analysis. The Draft EIR also did not include an analysis of the relationship of the project to the laws listed on p. 10.3-6, as discussed above under I.B. CEQA inadequacies.

San Joaquin Council of Governments (p. 10.3-43)

San Joaquin Council of Governments comment is relevant to issue of the imbalance between jobs and housing in the project. This agency raised the issue that the Mountain House housing will be filled by commuters and the project jobs will be filled by lower-paid workers who will have to live in other parts of San Joaquin County.

D178

San Joaquin Department of Emergency Services (p. 10.3-53)

This agency requested that the EIR consider the risk of explosion to the project population from chemical spills along the Southern Pacific Railroad line (SPRR).

D179

San Joaquin Public Works Department

The San Joaquin Public Works Department asked for a hydrologic and hydraulic study of Mountain House Creek, including historic flows. This agency also requested that the EIR consider the possibility of the project participating in a sub-regional tertiary wastewater treatment plant.

D180

San Joaquin County Mosquito Abatement District (SJCMA)

The SJCMA requested a study of mosquito active breeding sites within a two-mile radius of the project site. The letter identified the potential problem created by building large-scale urban development in proximity to a major mosquito-breeding area. The letter identified a problem in providing pesticide control of mosquitoes within the biologically sensitive environment of the Sacramento-San Joaquin Delta.

D181

Contra Costa County Community Development Department (CCC CDD)

The CCC CDD (p. 10.3-62) requested a study of the impact of project boat traffic on Delta waterways, and the impact of increased boat traffic on Old River. This agency also requested an analysis of the project impact on CCC Sheriff's marine patrol.

D182

In addition, the CCC CDD requested (p. 10.3-61) that as part of the urban runoff analysis, the EIR include an engineering and hydrologic analysis to consider the impact of the proposed project urban runoff on the CCC Water Districts water intake if they relocate their water intake point to near Clifton Court Forebay. The CCC CDD further requested (p. 10.3-62) that the Draft EIR address the traffic impacts associated with relocating Vasco Road should the Los Vaqueros Reservoir project be built. Finally, according to the

D183

D184

D185



CCC CDD, the impact of sewage spills and overflows on surface and groundwater quality requires specific study.

#### Scoping Meeting

The Draft EIR did not address the relationship of the project to the new USEPA regulations regarding storm drainage as requested at the scoping meeting (p. 10.5-4).

D186

### III. Project-Related Issues

#### A. Significant unmitigated impacts

*Loss of Prime Agricultural Land.* The project would result in the loss of about 3,600 acres (nearly 6 square miles) of prime agricultural land. Prime farmland is land that has the best combination of physical and chemical features for the production of agricultural crops. In San Joaquin County between July 1987 and April 1989, development projects were proposed totalling more than 14,000 acres of farmland, more than half of it prime (American Farmland Trust, 1989). The American Farmland Trust has projected that by the year 2010, more than 300,000 acres of mostly prime farmland will be urbanized in the Central Valley. This is equivalent to the area of almost all the cropland in Stanislaus County, which is the seventh most productive agricultural county in the nation.

Prime agricultural land is an irreplaceable resource. The Central Valley of California provides most of the fresh fruits and vegetables that feed the entire nation, as well as other farm products such as silage, dairy products, poultry and cattle. With a rapidly expanding human population and unpredictable changes in climate and ocean productivity, the value of protecting agricultural land is only increasing. In addition, agriculture has been shown to be the one form of land use which consistently returns more revenue to the community than it costs in public services (American Farmland Trust, 1989).

D187

Therefore, San Joaquin County will have a difficult task justifying an overriding benefit of the conversion of 3,600 acres of prime land for this project, especially since there is plenty of land already available to support growth projections through the year 2010. The County already has almost 37,000 acres of farmland within designated spheres of influence of existing cities, and cannot justify the loss of additional farmland, not within such already designated growth expansion areas.

*Water Supply.* The project will create a demand (without reclamation) for up to 19.5 million gallons of water per day. The applicant proposes to purchase water from the Byron-Bethany Irrigation District (BBID). The Draft EIR identified that 1,750 of the project's 4,667 acres are outside the boundaries of the BBID. In addition, BBID must agree to change the definition of a portion of its service area from agricultural to municipal/industrial water use. This changes creates institutional issues, and there is no guarantee that it will be approved. For BBID to supply the entire project also requires that the State Water Resources Control Board (SWRCB) approve BBID's

D188

application for winter water rights. There is also the question of whether BBID's water is of adequate quality for municipal consumption. It may be contaminated from agricultural organic chemicals.

If annexation to BBID is not approved, the applicant must either demonstrate that the water supply needed for the entire project will not exceed the maximum allocation from BBID (8,125 acf/year), or the applicant must demonstrate through a hydrogeological assessment that groundwater resources are available without causing further overdrafting of the groundwater. Thus, there are a large number of uncertainties surrounding the issue of whether a water supply exists to serve this magnitude of development in this location. The county should not approve a project where an adequate supply of water to serve buildout has not been demonstrated.

*Traffic* . The proposed project will generate up to 249,000 daily trips to and from or within the project site. The project alone will be responsible for as much as a 20% increase on segments of I-580. With no road widening and taking into account cumulative growth, I-580 west of Vasco Road will be at LOS F by 1995, and the entire stretch of I-205 between Tracy Blvd. to west of Patterson Pass Road will be at LOS F. Furthermore, I-205 west of Hansen Road will have 30 per cent more cars at the PM peak hour than maximum capacity. Even with the *maximum feasible* number of new lanes added, and the maximum transportation demand management (TDM) in place, with cumulative growth there are some segments which would be at "gridlock" level-of-service F by the year 2010 (i.e., I-580 west of Vasco Road and I-205 west of Hansen Rd.).

D189

With such levels of unmitigated impact, it is difficult to demonstrate an overriding benefit to counteract the effect of having created an almost continuous traffic jam on the region's most important east-west transportation link.

*Air Quality*. The San Joaquin Valley Air Basin (SJVAB) is non-attainment for ozone and PM-10. The California Clean Air Act of 1988 mandates a 5% annual reduction in each of the pollutants for which air basins were in non-attainment with clean air standards, until such time as the standards could be achieved and maintained. The Act requires that all conceivable means be used to achieve such reductions. San Joaquin County is probably similar to neighboring Stanislaus County in that it is rated as "severe" because the air basin cannot be brought into compliance with air quality maintenance standards until after 1997, even with no additional growth.

D190

The proposed project would generate air emissions many times in excess of significance thresholds established by both the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) and the Bay Area Air Quality Management District. For reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>), the significance threshold is 150 lb./day, and for small particulate matter (PM-10), the significance threshold is 80 lb. day. The proposed project will thus contribute at buildout 38 times the significance threshold for ROG emissions, 55 times the threshold for NO<sub>x</sub> emissions and 11 times the threshold for PM-10 emissions, *not counting any industrial emissions, which were left out of the DEIR quantitative analysis*. The emissions levels analyzed under the so-called "market constraint" scenario are nearly 20% higher even than those of the project scenario. The first phase (1995) of the

project alone, will produce ROG emissions 7 times the threshold, NO<sub>x</sub> emissions 9 times the threshold and PM-10 emissions 2 times the threshold, again not counting any industrial emissions.

The Draft EIR stated that with the implementation of mitigation measures, as outlined in the Draft EIR, that the project emissions could be reduced by a maximum of 20 to 35%. Assuming the percentage reduction is correct, this would mean that even with mitigation, the emissions from the project would still be 7 to 36 times the air quality significance threshold for projects in the basin.

The 1988 state Act dictates that all possible source reductions be undertaken to achieve the 5% annual reduction in emissions, including point sources, vehicular sources and area sources such as fireplaces and water heaters. The 1990 Federal Clean Air Act Amendments of 1990, in turn require that non-attainment areas reduce pollutants by 15% during the first six years, and then by 3% annually until standards are met. The project alone will be responsible for as much as a 8% increase in countywide air emissions (Table 4.15-4 of the Draft EIR).

In view of the difficult position of San Joaquin County with respect to the Clean Air Act, the acceptance of large new projects with massive trip generation is to be discouraged. In view of the massive, unmitigated air emissions from the proposed project, and the severe conflict with the mandate of federal and state law, it will be very difficult to show an overriding benefit accruing from the project.

*Conformance with local General Plans.* The EIR states (p. 4.2-6 ff) that the project would conflict with many policies of the San Joaquin County revised Draft General Plan 2010 as well as the policies of the adopted Land Use/Circulation Element of the General Plan. In particular, the project specifically conflicts with the following identified policies (paraphrased from Table 4.2-1 of the Draft EIR):

New communities shall:

- be located so that growth is directed away from prime agricultural land and other significant environmental resources;

**Conflict:** The project will consume 3,600 acres of prime agricultural land and land having significant wildlife and wetland value. The project may impact important public water supply sources.

- provide a variety and choice of housing for all socioeconomic segments of the community;

**Conflict:** There will not be a good match between the housing provided in the project and the housing mix required by local workers in the project. The lower and higher-income families are not adequately provided for in the project.

- not adversely affect the fiscal resources of nearby cities or the county;



Conflict: Unless the applicant's optimistic projections for absorption of employment are correct, the project will produce a net deficit to the county in demand for services for at least 20 years.

General Plan Amendments should not be approved unless

- no reasonable alternative site exists in the vicinity that is planned for the use and can accommodate the proposal;

Conflict: There are at least 4,200 acres of vacant land adjoining Tracy that have already been planned for residential development, and 3,400 acres of vacant land designated for commercial and industrial uses.

- approval of the proposal will not establish an undesirable, growth-inducing precedent;

Conflict: The project will have growth inducing impacts on local agriculture, and perhaps, regionally based on a local deficit of commercial services and the fact that some project-related infrastructure (i.e., road improvements) could facilitate other growth.

- premature development pressure on agriculture will not occur;

Conflict: Premature development pressure on surrounding lands will definitely occur with the project.

D191

- infrastructure is available;

Conflict: Except for roads (which would need massive improvements), no infrastructure is available. All infrastructure would have to be provided.

- leapfrog development would not result;

Conflict: The project is leapfrog development 3 miles from the Tracy urban area.

- adequate water supply is available;

Conflict: Adequate water supply to serve the project has not been proven; many physical and institutional problems exist.

- the project would not produce deterioration of level of service on minor arterials and roadways of higher classification below LOS C on local roads or LOS D on state highways;

Conflict: Portions of Interstate 205 and I-580 would both operate at LOS E or F, prior to and at buildout, even with the maximum feasible widenings and TDM measures.

- residential development is not within a 100-year flood plain;

Conflict: Residential development is currently proposed within the 100-year flood plain.



the wildlife and vegetative resources of the county shall not be diminished; cumulatively significant impacts are to be avoided;

Conflict: The project would eliminate over 4,000 acres of on-site wildlife habitat and would reduce the habitat of one federally listed endangered species, several state listed species or species of concern.

D191

no net loss of riparian or wetland habitat values shall be caused;

Conflict: As presently conceived, the project would destroy riparian habitat seasonal wetlands and freshwater marsh. No viable mitigation program for the loss of wetlands has been proposed.

#### B. Overall Jobs/Housing Imbalance

The Mountain House Draft EIR contained an unusually thorough analysis of the jobs/housing issue. The analysis used the correct methodology by comparing the affordability of the housing to the expected household incomes of the workers who would work within the jobs provided by the project. This analysis showed that overall, there would be a total mismatch between the housing needed by employees working within the project and the housing the applicant proposed to build within the project. There would be a net deficit of housing compared to demand in every income category, except for a surplus of 9,197 units in the housing selling for \$171,000 to \$239,999 (Table 12 of Appendix 10.13), a range that would be affordable by families earning \$50,000 to \$70,000 per year (Table 14 of Appendix 10.13). In total, there would be a deficit of 6,508 units in the housing affordable to families earning less than \$50,000 and a deficit of 2,691 units in housing affordable to more affluent workers earning more than \$70,000.

D192

The net mismatch (deficit and surplus together) is thus 12,507 out of the 16,003 units, or 78% of the units. That such a mismatch exists is testimonial to the applicant's lack of concern for truly providing a balanced community that would make the project truly a "new town". The applicant proposes to provide the vast majority of the housing (79%) as monotonous, "cookie cutter" single family housing all selling in one price range. The 78% mismatch indicates that roughly this proportion of residents within Mountain House will commute out to work and the same proportion of workers will commute in from distant housing. The San Joaquin County Council of Governments commented (p. 10.3-43) that

"Mountain House jobs would be largely filled by lower-income individuals commuting from more affordable housing in other parts of San Joaquin County. The impacts on the transportation system, particularly state highways, could be severe."

In addition, the Council of Governments stated (p. 10.3-44) that

"the Mountain House project as planned will not be in concert with policies that new communities provide 'a choice of housing for all socioeconomic segments of the community'. Nor will it enhance the County's position in terms of provision of its fair share of regional housing needs."

In view of the massive, residual, unmitigatable traffic and air impacts created by the project, the project should not be approved with its present proposed housing mix. The project should be completely restructured to provide the full 9,818 units of low and moderate income housing needed, and the proportion of high-end housing needed. The EIR should go further than simply suggesting that each phase of the project be required to provide a sufficient quantity of housing affordable to workers in the community. The EIR should make a specific recommendation for the proportion and number of housing units in each phase that should be affordable to each income group, so that the Specific Plan immediately reflects this recommendation at the outset.

D192

Another issue is the absorption rate of project jobs by project residents. According to the EIR, the project would nominally provide a good match between the number of jobs (19,880) and the number of employed residents (19,203), if one assumes 1.2 employed residents per household, the San Joaquin County average. However, in the "market constraint scenario" only 44% of the employment within the project would be absorbed by the year 2010, resulting in a far poorer jobs/housing balance, and a much higher percentage of in and out-commuting. The market constraint scenario is considered more realistic than the project scenario, according to the economics consultant who prepared the EIR analysis.

#### C. Fiscal Burden and Speculative Aspect of Project

The Draft EIR estimates that the total capital costs for the project are over \$688 million. The proposed source of funding include private capital (\$207 million), developer fees and state-mandated school impact fees (\$69 million). This financing scheme then assumes that \$276 million will be privately raised funds, presumably borrowed from a lending institution. With the prevailing economic conditions in the U.S., it is questionable that this amount of money could be obtained from lenders, or in time to provide the project infrastructure. If funding is not obtained as anticipated, the county could be left "holding the bag" for uncompleted infrastructure. There is no assurance provided of how public resources would be protected from having to bail out the project at some future point.

D193

The Draft EIR contains a financial analysis which concludes that some residential units could incur financing costs too burdensome for homeowners. In particular, for high-density units the special assessment would be as high as 2.2% of market value. It is unclear from the EIR presentation whether the 2.2% is total property taxes, or only the incremental property taxes from the project infrastructure, to which must be added the existing property taxes collected by San Joaquin County. This would bring the tax assessment for these homeowners to over 3%. If the least expensive units in the project will produce an undue financial burden on their owners, further doubt is cast on whether the project can be designed to provide housing to serve local project workers.

The prospect that long-term financing burdens through property taxes will be excessive will counterbalance to a large degree the attractiveness of the "cheaper" housing at the project site compared to the Bay Area. If the project becomes unmarketable, the county will have to pick up the burden of financial and physical responsibility for the partially completed project,

including taking over public utility functions that were supposed to be self-sufficient within the project.

If you have to depend on the developers slick requests we demand your qualifications now!

We find it incredibly unbelievable that you would vote to give Mountain House their permits to build in this already damaged environment, because after all, we've read, you've eliminated the word "no" to everything else. Where do you file the many many reports that we are already in an area that is already considered unhealthy, and eventually impossible to travel from our homes in Tracy to any destination. Where do you think all those people and cars will eventually end up, on Tracy streets of course,

When was the last time you bothered to see for yourselves what Tracy is already suffering from, and then you wish more congestion and smog laid at our doorsteps.

D194

Why is it that whenever a most serious and important decisions is about to be made we don't hear or read about it until the last minute. How can we possibly get our letters to you in a moments notice (by pony express?)

You people make the most serious decisions on the environmental reports submitted by the developers paid Consultants. Do you really decide on their biased reports. If you do you should be dismissed as guardians of our health and well being.





MOUNTAIN HOUSE EIR COMMENTS

PREPARED BY  
TRIMARK COMMUNITIES

JANUARY 30, 1992

SECTION/COMMENTS

3.0 PROJECT DESCRIPTION

PAGE 3-9

TABLE  
3.2

CURRENT LANGUAGE - NONE

COMMENTS

There is a typing error in Table 3.2. Under the Land Use listing - Medium Density - the 98 should read 8. In addition, Note 1 should have the word average added, and the 1 Note should apply to all four residential categories.

PROPOSED LANGUAGE - NONE

]

D195

]

SECTION/COMMENTS

3.0 PROJECT DESCRIPTION

PAGE  
3-20

Paragraph 2

CURRENT LANGUAGE

A total of 3243.07 acres within the project are under Williamson Act contracts (Figure 3.9). The applicant has filed applications to cancel Williamson Act Contracts for a total of 2919.5 acres.

COMMENTS

The text does not note that all of the 2919.5 acres have filed for Notices of Non-renewal. Suggest adding after the end of the second sentence ending with "2919.5 acres" the following proposed text.

PROPOSED LANGUAGE

All of the 29.19.5 acres have filed Notices of Non-renewal.

D196

## SECTION/COMMENTS

### 3.0 PROJECT DESCRIPTION

PAGE

3-21

Figure

3.9

#### CURRENT LANGUAGE

In the Legends.

Area Subject to Williamson Act Contract  
Cancellations

Williamson Act Contract Areas Subject to  
Non-renewal

#### COMMENTS

The Legend should be corrected as follows:

#### PROPOSED LANGUAGE

Area Subject to Williamson Act Contract  
Cancellations and Notice of Non-renewal Filings

Williamson Act Contract Areas **NOT** Subject to  
Non-renewal

D197



SECTION/COMMENTS

3.0 PROJECT DESCRIPTION

PAGE  
3-23

Table 3.7

CURRENT LANGUAGE - NONE

COMMENTS/PROPOSED LANGUAGE

Under Approvals Required: add Regional Water Quality Control Board, (permit for land disposal and storage of effluent from the wastewater facility).

Also under Local Agencies, add the Byron Bethany Irrigation Agreement, (water usage agreement) and Contra Costa County LAFCO for the annexation of non-BBID lands into the irrigation district.

D198

## SECTION/COMMENTS

### 3.0 PROJECT DESCRIPTION

PAGE

3-24

TABLE

3.7

### 3.8 Required Approvals

#### CURRENT LANGUAGE

U.S. Department of Fish and Wildlife Approval:  
Levee reconstruction and modification.

#### COMMENTS

The U.S. Fish and Wildlife Service will have additional responsibilities if it is determined the project may impact federally-listed endangered species.

#### PROPOSED LANGUAGE

Add after levee reference: "Incidental take statement regarding endangered or threatened species prior to any activity which would constitute a take of such a species.

D199

## SECTION/COMMENTS

### 4.1 LAND USE AND AGRICULTURAL ISSUES

PAGE  
4.1-6

#### Paragraph 2

#### CURRENT LANGUAGE

The statement is made that the primary method of chemical application is by helicopter.

#### COMMENT

There is some doubt that aerial spraying is the "Primary" method of application. The principal land owner in the area farms over 3100 acres and sprays with their own ground equipment. The 230 kV transmission line crossing the site, further restricts aerial applications on another 500 acres. If the word primary is to be retained, then the extent of aerial spraying within the immediate area should be verified beyond a generalized conversation with a single aircraft spraying service.

#### PROPOSED LANGUAGE

Both aerial and ground spraying of chemical applications are used in the site area.

D200

## SECTION/COMMENTS

### 4.1 LAND USE AND AGRICULTURAL ISSUES

PAGE

4.1-11

Paragraph 3

#### CURRENT LANGUAGE

"Action on the cancellation would be expected to occur after this DEIR has been certified and prior to the approval of the General Plan Amendment, should these two actions not occur simultaneously.

#### COMMENTS

Since there would be no need to cancel the Williamson Act Contracts, if the General Plan Change is not approved, it would seem appropriate to approve the project first, and then the Cancellations. In reality, all matters including the DEIR, the application and the contracts, will most likely be discussed simultaneously with the votes sequential.

#### PROPOSED LANGUAGE

The words "prior to" should be changed to "after".

D201



## SECTION/COMMENTS

### 4.1 LAND USE AND AGRICULTURAL ISSUES

PAGE

4.1-14

Paragraph 3

#### CURRENT LANGUAGE

The first sentence states that "The site is currently designated for agriculture in the existing County 1995 General Plan and development of the project would not be consistent with this designation."

#### COMMENTS

The intent of this statement is not clear. Do they mean the following proposed language?

#### PROPOSED LANGUAGE

The site is currently designated for agriculture in the existing County 1995 General Plan and development of the project would require an approval of the application to change the General Plan designation for the site plus certain other General Plan policy changes to allow for a new town as proposed.

D202

## SECTION/COMMENTS

### 4.1 LAND USE AND AGRICULTURAL ISSUES

PAGE

4.1-14

Paragraph 3

#### CURRENT LANGUAGE

In the middle of the third paragraph the report states that "The County's Revised Draft General Plan 2010 (San Joaquin, 1991a) identifies enough vacant acreage (designated for urban uses) within the County to accommodate about 1.2 million people, or 336,000 more people than the projected 2010 population. .... Even without approval of the new communities, the County would have more than enough acreage to accommodate the projected 2010 population.

#### COMMENTS

D203

The number 1.2 million people is not clear. Is this the total amount of people that could be added on the vacant approved lands or is it the total population that would exist in 2010 if all the land where built on added to the existing population. In either case the number looks very high. Our current population is 480,000+/- . Elsewhere in the report it is indicated that 47,000 vacant acres exist that are approved for development including all zonings. At 6 people per acre (a typical density for communities of balanced zoning) the projected total population would only be 762,000 plus the new community's 111,787 would only be 873,787. This is well below the 1.2 million. please clarify the basis for the 1.2 million.

#### PROPOSED LANGUAGE

Depends on the reanalysis of the number.

## SECTION/COMMENTS

### 4.1 LAND USE AND AGRICULTURAL ISSUES

#### PAGE

4.1-16, 17

#### Impact

4.1-2

#### CURRENT LANGUAGE

"Conflicts between urban/rural land uses would occur, particularly where agricultural operations abut residential development. Such conflicts could result in conversion of agricultural lands outside the project site boundaries to nonagricultural uses."

#### COMMENTS

The text discussion significantly exaggerates potential conflicts between the project and adjacent agricultural uses west of the site. According to the discussion, most of the potential conflicts would result from aerial application of pesticides, and resultant chemical drift and noise. Much of the adjacent agricultural land west of the project consists of grazing land which does not require pesticides. The remaining agricultural operations west of the site typically utilize ground spraying. Dust would also be less of a problem because of the lack of helicopter use, although admittedly other agriculture activities would generate some dust. Crop pilferage should not be significant because the lands to the west contain neither orchards nor produce fields; thus, the reference to crop pilferage should be deleted or qualified.

When chemical drift, aircraft dust and noise, and crop pilferage are eliminated from consideration, it is questionable whether the land use conflicts on the west side of the site should even be considered significant. In any event, proposed mitigation should be based on real conditions, not theoretical or very infrequent conflicts which have no relevance to typical conditions. "Finally, even if some land use conflicts were to exist, there is no evidence that these conflicts would be likely to result in conversion of the land to nonagricultural uses. Agricultural uses often continue virtually

D204

SECTION/COMMENTS

PAGE

4.1-16, 17

Impact

4.1-2

PROPOSED LANGUAGE      (Cont'd)

indefinitely adjacent to some urban uses, and a farmer is unlikely to take the land out of production unless there is some viable alternative approved by the local government."

D204



## SECTION/COMMENTS

### 4.1 LAND USE AND AGRICULTURAL ISSUES

PAGE

4.1-17

Paragraph 2

2nd to last sentence

#### CURRENT LANGUAGE

If fields are planted in an east-west direction, the helicopter pilot would be turning around at the end of the rows in proximity to the on-site residences since the pilots fly parallel to the rows rather than perpendicular to them.

#### COMMENTS

The topography of the lands west of the site is a 1% slope running north and south. Irrigation rows always follow the slope to take advantage of gravity. A field inspection of the adjacent lands west of the site will prove this to be true. Therefore, if aerial spraying were to be used they would not be flying over the project. We suggest the sentence be changed to say:

D205

#### PROPOSED LANGUAGE

The fields west of the project are planted in north to south rows because of a pronounced 1% slope in that direction. This means any aerial spraying aircraft would not be making turns over the project, but would be flying parallel to the project boundary.

SECTION/COMMENTS

4.1 LAND USE AND AGRICULTURAL ISSUES

PAGE

4.1-18

Last paragraph (sentence before the Mitigation Measure)

CURRENT LANGUAGE

An additional benefit would be protection of some on-site prime farmland.

D206

COMMENTS

This is unclear. If a buffer is added it would not be prime farmland under the definition of the Farmland Mapping program, unless the organic operation was used and it is totally impractical in this location.

PROPOSED LANGUAGE

Delete current sentence.

## SECTION/COMMENTS

### 4.1 LAND USE AND AGRICULTURAL ISSUES

PAGE

4.1-18

Mitigation Measure

4.1-2(a)

#### CURRENT LANGUAGE

A 1,000 foot-wide buffer area should be provided along the western boundary of the project site and included in the proposed General Plan amendment. etc.

#### COMMENTS

The buffer as proposed would consume nearly 500 acres, 11% of the land area of the project. Therefore, the loss of economically productive land uses within the buffer jeopardizes the viability of the new town. The additional costs of acquiring the buffer area and maintaining it in an open space would have a significant adverse impact on the project. Increasing the density of remaining areas is not viable, as it leads to types of development and product types that are not marketable. Furthermore, any buffer on the edge of the community creates a "no-man's land" with inadequate supervision and significant maintenance problems. Problems of vandalism, trespassing, and illegal dumping would increase rather than be mitigated by this buffer.

To the extent that some of the potential problems cited in the DEIR (odors, dust, equipment noise, trespassing) are valid, there are more effective mitigation means. This can be done without the expansive land requirements of a very large buffer. Effective measures that mitigate impacts while maintaining the viability of the new town include a combination of fencing, planting, location of a major roadway and utility easements, and fencing or walls along adjacent properties.

Planting windrows of poplars or other appropriate trees will establish an attractive edge that is appropriate for the agricultural edge, and will help to screen chemical spray. See through Fencing will allow vistas to the west to be maintained

D207

SECTION/COMMENTS

PAGE  
4.1-18

Mitigation Measure  
4.1-2(a)

COMMENTS      (Cont'd)

while restricting pedestrian access. Location of a roadway inside the fence/planting will create an additional barrier to pedestrian access.

PROPOSED LANGUAGE

Add "Alternatively, establish a project edge along the western property lines of adjacent properties. This edge condition should consist of a fence and/or berm with planting east of the County line, a restricted access four-lane road with median and landscaping, utility easements, and fencing and/or wall along adjacent properties. The edge area should be designed to discourage public access across the County line to adjacent agricultural lands."

D207



## SECTION/COMMENTS

### 4.1 LAND USE AND AGRICULTURAL ISSUES

#### PAGE

4.1-19

#### Mitigation Measure

4.1-2 (e)

#### CURRENT LANGUAGE

The applicant should be assessed an impact fee for each new unit or parcel (whether residential, industrial, or commercial use) to be applied toward the purchase of development rights on agricultural lands or to support land trusts that purchase conservation easements on agricultural lands. Such a fee system should be identified in the County's Development Title in compliance with the recommended policy supporting such a fee as included in the County's Revised Draft General Plan 2010.

#### COMMENTS

D208

Impact fees as a mitigation for the conflicts between urban development and farmlands has not yet been fully evaluated and resolved by the County. It is difficult to understand how the purchase of development rights in other locations or the payment of a fee would reduce conflicts that are solely related to the project site and adjoining farmers. The only valid mitigation would appear to be edge treatments, set backs and other site related actions discussed elsewhere in the submitted comments that would **directly** reduce the impacts.

#### PROPOSED LANGUAGE

This Mitigation should be deleted.

## SECTION/COMMENTS

### 4.1 LAND USE AND AGRICULTURAL ISSUES

PAGE

4.1-29

Mitigation Measure

4.1-1(e)

#### CURRENT LANGUAGE

The application should be assessed an impact fee for each new unit or parcel ... to be applied to the purchase of development rights on agricultural lands ...

#### COMMENTS

Such an impact fee should not be imposed on this project unless County policy imposes it on all new development on agricultural land, and every effort should be made to induce individual cities to participate in such a program. Also, any such fee should be imposed on the basis of acreage of agricultural land converted to nonagricultural use, not on the number of residential units. Basing the fee on acreage not units, would encourage more efficient land use and help minimize the amount of agricultural land needed to be taken out of production. Finally, if the project is required to preserve offsite agricultural lands, such as mitigation for the project's impacts on wildlife (see Mitigation 4.13-1(f), this offsite land should be credited against an agricultural impact fee requirement which might be imposed.

D209

#### PROPOSED LANGUAGE

Revise Mitigation Measure pursuant to comment.

## SECTION/COMMENTS

### 4.2 ZONING AND GENERAL PLAN POLICIES

PAGE  
4.2-6

Impact  
4.2-1

#### CURRENT LANGUAGE

The project would conflict with many of the County's proposed policies of the Revised Draft General Plan 2010, as well as with policies of the adopted Land Use/Circulation Element of the General Plan.

The major policies with which the project is in conflict relate to the following:

- \* Removal of prime agricultural land
- \* Lack of identifiable neighborhoods
- \* Insufficient neighborhood commercial areas
- \* Lack of buffer areas to ensure the project remains a distinct community and is adequately separated from agricultural operations
- \* Use of prime agricultural land when reasonable alternative acreage is available
- \* Creation of growth inducing pressure on surrounding agricultural land
- \* Inadequate levels of service on roadways
- \* Removal of wildlife habitat.

D210

#### COMMENTS

The applicant disagrees with the statement the project would conflict with "many" of the County's current and proposed policies. Many of the supposed policy violations could and will be easily corrected through adjustments in the land use plan. Specifically, these include; lack of identifiable neighborhoods, insufficient neighborhood commercial areas, lack of buffer areas an inadequate level of service on roadways. The remaining reputed policy

## SECTION/COMMENTS

PAGE  
4.2-6

Impact  
4.2-1

### COMMENTS      (Cont'd)

conflicts such as loss of Prime farm land, Growth inducement, Wildlife habitat loss, Alternative acreage policy are only justified by a very strict and subjective interpretation of the policies. In fact the subject policies have not yet even been approved by the Board of Supervisors and may be altered to avoid subject interpretation. Specific responses and arguments to each of these policy conflicts are discussed in other comments. In order to clarify the real status of the County's new town policies the proposed language is suggested.

### PROPOSED LANGUAGE

**Impact 4.2-1,** The project may conflict with many of the County's proposed policies of the Revised draft General Plan 2010 as well as with policies of the adopted land use/Circulation Element of the **current** General Plan.

**Add to Text,** Some of the proposed policies are subject to subjective interpretation and should be clarified prior to their final approval by the Board. Approval under the 1995 plan technically would only require compliance with the 1995 policies, some of which may need to be changed in order for the project to comply. However, it would be inappropriate to grant such an approval without also requiring the project's compliance with the 2010 policies. "The 2010 General Plan is scheduled to go before the Board of Supervisors for approval after the applicants application for a 1995 general plan change is heard and possibly approved. Since the 2010 policies have not yet been refined and approved by the Board of Supervisors such policies could be easily revised and/or clarified prior to the project's approval.

D210



## SECTION/COMMENTS

### 4.2 ZONING AND GENERAL PLAN POLICIES

PAGE  
4.2-7

Policy  
18(b)

Mitigation Measure  
4.2-1(a)

#### CURRENT LANGUAGE

Removal of Prime Agricultural Land

Consistency with Adopted Land Use and Circulation Element

Consistency with Proposed Policy of Draft General Plan 2010

#### COMMENTS

The DEIR should clarify that the project does not conflict with the policy of the adopted Land Use and Circulation Element regarding prime agricultural land. The DEIR did not specifically address this policy, the language of which differs from the corresponding policy of the draft General Plan 2010. The relevant policy of the adopted Land Use and Circulation Element is in the 1995 General Plan.

"The County shall recognize in designating a new town site that it is intended to minimize impacts on agriculture, particularly by limiting growth onto additional prime agricultural lands of the valley floor." (New Town Policy #1)

This adopted policy does not prohibit location of a new town on prime farmland. The project is consistent with this policy because the site is at the edge of the valley, not the valley floor.

Although the language of the proposed policy (Growth Accommodation Policy 18(b), Table 4.2-1) differs somewhat from the adopted policy discussed above, Trimark believes that the project is consistent with this draft policy as well. We believe that the conclusion of inconsistency is based on an incorrect interpretation of Policy 18(b).

D211

## SECTION/COMMENTS

PAGE  
4.2-7

Policy  
18(b)

Mitigation Measure  
4.2-1(a)

### COMMENTS     (Cont'd)

Such impacts are further mitigated by "edge treatment" and other mitigations.

### PROPOSED LANGUAGE

1. Delete reference on p. 4.2-6 that the project would conflict with County policy due to removal of prime agricultural land.
2. Revise p. 4.2-7, discussion re Policy 18(b), as follows:

Under: Project's Relationship to Policy.

Although the proposed project would remove over 3,600 acres of Prime Farmland, the land removed is less productive and is located at the outer edge of the County's agricultural areas. The project's northern and southern boundaries (Old River, I-205) would minimize agricultural impacts in those directions, while land use conflicts on the east and west could be mitigated by project land uses and edge treatment design.

Under: Mitigation Measures.

Refer to comments on Mitigation Measures in Section 4.1, numbers 4.1-2(a) through (e) (as proposed).

In the alternative, revise proposed policy 18(b) as follows:

(b) be located so that growth is directed away from and minimizes impact upon the County's most productive agricultural land, and agricultural heartland, and other significant environmental resources.

See below for revisions to proposed Mitigation Measures 4.2-1(a) & (b) on p. 4.2-19.

D211

## SECTION/COMMENTS

### 4.2 ZONING AND GENERAL PLAN POLICIES

#### **PAGE**

4.2-7

Policy 18(i)

#### **PAGE**

4.2-14

Policy 15

#### **PAGE**

4.2-15

Policy 10

#### **Mitigation Measure**

4.2-1(b) and (g)

### CURRENT LANGUAGE

Assure Project Remains a Distinct Community and Is Adequately Buffered from Agricultural Operations

### COMMENTS

The DEIR correctly recognizes that the new community would be a distinct community surrounded by agricultural land and open spaces, but states that its proximity "could result in connection with Tracy and Lammersville in the future". First, compliance with this policy regarding "distinct communities" should be judged based on current conditions, rather than mere speculation about possible future events. The 2010 General Plan is unlikely to designate development which would connect Mountain House to these areas, and General Plan policies would limit amendments to designated growth areas. Second, we believe that even if at some future point the area between Mountain House and Lammersville (or Tracy) develops, Mountain House as planned would remain a very distinct community. The eastern side of the community would have a distinctive edge, composed of non-residential land uses (primarily light industrial and commercial), along with continuous berms and landscaping.

Only a small number of major roads would cross the eastern boundary of the project, and each would be landscaped or otherwise designed to clearly indicate entrance to a separate community. Finally, a strong, consistent landscaping plan throughout the

## SECTION/COMMENTS

4.2-7

Policy 18(i)

PAGE

4.2-14

Policy 15

PAGE

4.2-15

Policy 10

Mitigation Measure

4.2-1(b) and (g)

COMMENTS (Cont'd)

entire community would clearly and permanently support the recognition of Mountain House as a distinct community, even if adjacent areas are developed for urban uses.

In addition, the proposed mitigation measures are either not relevant to the alleged impact or are unnecessary to achieve the permanent distinctiveness of the Mountain House community. If the potential impact is a "connection" with Lammersville and Tracy to the east, a 1000 foot agriculture buffer on the west side of the project is completely irrelevant to the alleged impact. Furthermore, there is no existing urban development west of the site from which Mountain House needs to remain distinct. With regard to the other cross-referenced mitigation measures from Section 6.2 of the DEIR, an agricultural open space buffer on the east side is unnecessary to retain distinctiveness for the reasons discussed above.

D212

PROPOSED LANGUAGE: Page 4.2-9 Policy 18(i)

### Relationship to Policy

Retain first sentence. Delete third sentence. Revise second sentence as follows: "While the site's proximity to the residential area of Lammersville (0.2 miles to the east and the community of Tracy could result at some point in the distant future in continuous development between these communities and Mountain House, Mountain House could remain distinct due to the placement of industrial/commercial uses on its eastern edge, along with incorporation of a strong "edge" or boundary treatment, and distinctive community wide



## SECTION/COMMENTS

PAGE

4.2-7

Policy 18(i)

PAGE

4.2-14

Policy 15

PAGE

4.2-15

Policy 10

Mitigation Measure

4.2-1(b) and (g)

### PROPOSED LANGUAGE (Cont'd)

landscaping.

#### Mitigation Measure

Delete first sentence regarding 1000 foot buffer area. Revise second sentence to read, "Industrial, commercial/institutional uses should be planned along the site's eastern edge near Patterson Pass Road." Add: "The project should incorporate a distinctive edge or boundary treatment, especially along the eastern border, along with strong "entry statements" at roadway entrances, and a consistent community-wide landscaping scheme to maintain a distinct visual image."

#### Residential Policy #15

Revise "Mitigation Measure": Refer to Mitigation 4.1 (as revised). Setbacks, fencing, etc. should be required along the site's western edge.

#### Agricultural Policy #10

Revise "Relationship to Policy": Additional setbacks and access restrictions would be needed at the western edge of the site where proposed residential uses would abut agricultural operations.

Revise "Mitigation Measure": The project should incorporate edge treatment on the western edge of the project, including berms, setback, fencing, vegetative screening, etc.

D212

## SECTION/COMMENTS

### 4.2 ZONING AND GENERAL PLAN POLICIES

#### PAGE

4.2-9 to 4.2-19

#### Table

4.2-1

#### CURRENT LANGUAGE

The term Open Space Corridor is used in a number of places as a recommended method of satisfying certain mitigations.

#### COMMENTS

D213

It is unclear what is meant by open space corridor, as it is not defined. Since providing corridors for bikes, pedestrians, etc. is the significant designed mitigation, the type of corridor should be determined in the Specific Plan. Open space should be an optionable amenity unless it is required as an offset to the loss of open space. It is only one of the planning corridor options that the County and the applicant may wish to use to enhance the design of the project with open space amenities.

#### PROPOSED LANGUAGE

Delete the words "open space" on page 4.2-9 in the second line under Mitigation and on page 4.2-19 in Mitigations 4.2-1(e) and 4.2-1(f). The resulting sentences would simply read "corridor."

## SECTION/COMMENTS

### 4.2 ZONING AND GENERAL PLAN POLICIES

#### PAGE

4.2-9

Policy 18(j)

#### CURRENT LANGUAGE

Under Projects Relationship to Policy - "The proposed project may require more in General Fund-financed service expenditures than generated in General Fund revenues."

#### COMMENTS

This conclusion somewhat distorts the information in the text, which indicates that under build-out assumptions, the project has a very positive net impact on the General Fund. Also, if more conservative assumptions are used regarding certain revenues, the project would still have a positive impact on the General Fund (market constraint scenario). (See Comments to DEIR Section 4.9)

D214

#### PROPOSED LANGUAGE

"Based on the analyzed conservative assumptions regarding commercial and industrial build-out, the project will have a net positive impact on the General Fund. However, it is conceivable that under some unlikely circumstances, the project could require more in General Fund - financed service expenditures than generated in General Fund revenues."

## SECTION/COMMENTS

### 4.2 ZONING AND GENERAL PLAN POLICIES

#### PAGE

4.2-11

Table 4.2-1, Item 13.(a)(3)

#### Mitigation Measure

Item 13.(a)(3)

#### CURRENT LANGUAGE

Under Policy - No reasonable alternative site exists in the vicinity that is planned for and can accommodate the proposal.

Under Mitigation - No mitigation measure exists for the project's non-compliance with this policy, other than denial of the project and/or approval of the project alternative, located outside Tracy.

D215

#### COMMENTS

There may be a misunderstanding of the intent of the policy. The fact is, there are no other new towns PLANNED for the vicinity. Tracy is not a new town. Growth in Tracy would not provide the County as much tax revenue, nor would it give the County the opportunities to meet some of the County's state mandated housing and other programs. The Tracy Alternative Site is not planned, nor even proposed and if built would fall under the control of Tracy. Furthermore, the selection of an alternative site such as near Tracy, would in itself violate the County policies as it would not have had the detailed level of review required by the General Plan policies.

#### PROPOSED LANGUAGE

In the Mitigation Column, delete that mitigation measure and add "The project does not conflict with this policy, as there are no other new town sites that exist in the vicinity."



## SECTION/COMMENTS

### 4.2 ZONING AND GENERAL PLAN POLICIES

PAGE  
4.2-12

Mitigation Measures  
Table 4.2-1, Item 13(b) (1)

#### CURRENT LANGUAGE

The proposed project would have significantly fewer growth-inducing impacts, if located adjacent to the urbanized portion of the City of Tracy.

#### COMMENTS

It is difficult to see the logic in presuming that any project of 43,000 people would be more or less growth inducing just by moving it 3 miles away. On the contrary, there is a strong case for greater growth inducement, if the project were located next to Tracy. The causes of growth inducement can be divided into two categories, political and site restraints. Tracy has shown little interest in limiting growth and is currently master planning a land area around their city three times the size of the project.

On the site restraint issue, the alternative Tracy site is unrestricted by any significant barriers except the town itself. It could easily triple if expanded to the west (several large projects are already in the works and existing industrial uses have already disrupted the farm operations). Expansion to the north would be encouraged by the City of Tracy's program to build new interchanges on I-205 and the already approved regional shopping center at Grantline and I-205. It could also expand to the south, into the foothills as already proposed by a development plan submitted to Tracy. There would even be strong pressure to fill in the lands east of the alternative site, just south of the City of Tracy. South and west have been the historical direction of growth for the City of Tracy and there is no reason it wouldn't CONTINUE.

As to the project's growth inducing character, expansion west into Alameda County would be politically difficult, because of their strong policy against growth in unincorporated areas. No

D216

## SECTION/COMMENTS

PAGE

4.12-12

Mitigation Measure

Table 4.2-1, Item 13(b)(1)

### COMMENTS (Cont'd)

growth is possible to the north because of the Delta and Old San Joaquin River. Expansion south would require crossing I-205. This could occur in the long term, but would be restricted by the limited buildable land between the project and the hills. To the east across Patterson Pass Road, growth might be induced but, even here, it would be limited by the already existing Lammersville development and the SP railroad line, flood plain area and then the City of Tracy.

Compared to the Alternative Tracy Site, the project would be significantly less growth inducing.

### PROPOSED LANGUAGE

Replace existing mitigation text with "Although alternative sites for new towns exist, it would be difficult to rationalize that any other site would be less, or more, growth inducing because the very size of the project tends to over shadow conventional measures of growth inducement."

D216

## SECTION/COMMENTS

### 4.2 ZONING AND GENERAL PLAN POLICIES

#### PAGE

4.2-12

#### Mitigation Measures

Table 4.2-1, Item 13(b) (4)

#### CURRENT LANGUAGE

Policy - The resulting development pattern: leapfrog development shall be strongly discouraged.

Mitigation - Approval of the Alternative Site would be one mitigation measure appropriate to prevent conflict with this policy.

#### COMMENTS

D217

The alternative site, contrary to the EIR's statement, would in fact, produce leapfrog development, unless the project in the Tracy location was delayed for fifteen years while the intervening areas between it and Tracy develop. Tracy already has under it's 84-1 and I-205 Specific Plans, 5 to 6 years growth approved and much more to follow. Only a small portion of this planned growth is contiguous to the Alternative Site. If the Alternative Site were to be moved adjacent to Tracy, then the project would simply be an expansion of Tracy, on already approved land, and not a new town. All the benefits of a new town would be lost.

#### PROPOSED LANGUAGE

A new town contiguous to itself may be interpreted as a condensed development and not a leapfrog development. The mitigation should state: They will need to determine if new communities are/or are not leapfrog development.

## SECTION/COMMENTS

### 4.2 ZONING AND GENERAL PLAN POLICIES

#### PAGE

4.2-14

Policies 3 and 7

CURRENT LANGUAGE - NONE

#### COMMENTS

##### Inadequate Levels of Road Service

The DEIR somewhat overestimates the levels of traffic to be generated by the project, and also fails to clearly indicate that volumes of traffic on off-site roadways will increase very substantially even without the project, and that the project will only make a small relative contribution to traffic volumes on nearby roads and freeways. The DEIR also suggests widening of roads within the project site. Trimark believes that the suggested widening of one internal road to six lanes within the community would tend to divide the community and adversely affect nearby neighborhoods. Instead, the internal road network should be revised somewhat to provide adequate capacity without 6-lane roads. Attachment A demonstrates how this can be done by adding new road segments north of Mountain House Creek and providing an additional North-South arterial along the western boundary.

D218

#### PROPOSED LANGUAGE

[No changes to language of Table 4.2-1.]



## SECTION/COMMENTS

### 4.2 ZONING AND GENERAL PLAN POLICIES

PAGE

4.2-15

Flood Hazard Policy 2

#### CURRENT LANGUAGE

Under the tables Mitigation column " Levees protecting the site should be inspected, evaluated, and improved, as necessary. Before the Specific Plan is approved and rezoning for residential use occurs, the area within the 100-year flood zone must be taken out of this designation.

#### COMMENTS

Under new County policy, allowing multiple specific plans, it is likely that the first specific plan would not include the 100 year flood plain. Also, it is possible that a specific plan could be adopted, applying to the flood plain area, a number of years before actual construction. Thus, there is no reason to require that the area be removed from the flood plain designation prior to approval of the specific plan.

#### PROPOSED LANGUAGE

Flood Hazards Policy 2, Mitigation Measure

Levees protecting the site should be inspected, evaluated and improved as required by the appropriate agencies. Prior to commencement of construction, the area within the 100 year flood zone must be removed from this designation.

D219

## SECTION/COMMENTS

### 4.2 ZONING AND GENERAL PLAN POLICIES

#### PAGE

4.2-15

Policies 3 and 4

#### CURRENT LANGUAGE

Section 4-13 of the DEIR recognizes, whatever the pre-agriculture wildlife value of the site, with the conversion to agricultural, virtually the entire site has been converted to non-native vegetation, with the loss of many wildlife species.

#### COMMENTS

##### Removal of Wildlife Habitat

While the site may have value to a small group of agriculturally compatible species, there is little evidence that development of the site would result in a significant loss of wildlife habitat, since the habitat on the site exists in very large quantity elsewhere in the vicinity. To the extent that the value of the site is due to the fact that it provides a prey base because of longer-term crops such as alfalfa, it should be recognized that the project site represents a very small percentage of the total agricultural lands in the County (for example, only about 1.6% of the total acreage of alfalfa). There is no disputing that the agricultural land has some value to certain wildlife species, or that some mitigations may be appropriate as a result, but rather that the DEIR consistently exaggerates the significance of the site and the impact of developing the land.

Although further investigation is necessary, existing data suggests that if the kit fox is present at all, it is on a very limited and sporadic basis, and the site clearly is at the very fringe of the kit fox range. Moreover, the County is pursuing a kit fox habitat conservation plan which will assure the permanent maintenance of substantial grassland area which are considered far more important kit fox habitat than the agricultural or levee areas of the site.

There is also a proposed County-wide habitat plan for the Swainson's hawk which aims to preserve and

D220

## SECTION/COMMENTS

### **PAGE**

4.2-15

Policies 3 and 4

### **COMMENTS** (Cont'd)

enhance substantial lands throughout the County.

Also, the proposed mitigation measure regarding policy 3 fails to recognize the inclusion of off-site mitigation as an alternative, even though this alternative is included in Section 4.13.

### **PROPOSED LANGUAGE**

Page 4. 2-15, Habitat Policy 3

#### Relationship to Policy

Revise first sentence: "The proposed project would result in the elimination of on-site agricultural land which provides a food source for certain wildlife species, and would affect . . ."

#### Mitigation to Measure 3

Revise as follows: "In order to mitigate for the loss of agricultural and other land valuable to wildlife, either a portion of the site should be set aside as an agricultural preserve, or off-site areas should be permanently preserved as substitute habitat."

#### Habitat Policy 4 Mitigation Measure

Revise as follows: "To the extent feasible, existing on-site wetlands should be preserved and enhanced, and any wetlands which cannot be preserved should be replaced."

D220

## SECTION/COMMENTS

### 4.2 ZONING AND GENERAL PLAN POLICIES

#### PAGE

4.2-19

#### Mitigation Measure

4.2-1(a)

#### CURRENT LANGUAGE

"The removal of Prime Farmland is a significant, unavoidable adverse impact that cannot be eliminated. The only mitigation measure that could result in compliance with the County policy to preserve prime agricultural land would be denial of the project or approval of the project at an alternative location. Aside from this one conflict, the remaining recommended mitigation measures would reduce the impact to a level of insignificance."

#### COMMENTS

D221

To the extent that removal of prime agricultural land is a significant adverse impact under CEQA, this has already been addressed by impact 4.1-1. However, as discussed above, Trimark disagrees that removal of prime land under these circumstances significantly conflicts with the County's current or proposed General Plan policies. Furthermore, we do not believe that it is appropriate to list denial of the entire project or approval at an alternative site as a mitigation measure. Rather, denial would be considered adoption of the no-project alternative.

To the extent that removal of prime agricultural land is significant and unmitigable, CEQA provides that the County could approve the project on the basis of overriding considerations. The DEIR should also note at this point that any potential conflict with this draft General Plan 2010 policy could be avoided by revising the policy during the final review and approval of the 2010 General Plan. Finally, the last sentence of current Mitigation Measure 4.2-1(a) is not really a part of the mitigation. Instead, the sentence, "The recommended mitigation measures would reduce the impacts to insignificance" should be inserted after the last 4-2-1 Mitigation Measure on p. 4.2-20.



SECTION/COMMENTS

PAGE  
4.2-19

Mitigation Measure  
4.2-1(a)

PROPOSED LANGUAGE      (Cont'd)

Delete Mitigation Measure 4.2-1(a). In the alternative, revise as follows: "To the extent that the removal of prime farmland conflicts with this draft policy, the conflict could be avoided by revising the draft policy so as to be consistent with the project, or by denying the project.

D221

## SECTION/COMMENTS

### 4.2 ZONING AND GENERAL PLAN POLICIES

#### PAGE

4.2-20

#### Mitigation Measure

4.2-1(g)

#### CURRENT LANGUAGE

Agricultural and landscaped buffer areas should be included in the proposed project to maintain Mountain House as a distinct community and to minimize growth-inducing impacts.

D222

#### COMMENTS

Landscaped setbacks and edge conditions are sufficient to define the edges of the community and maintain its distinctiveness. The DEIR could identify such measures as a more effective mitigation means than large undeveloped buffers, which create maintenance and public safety problems and are often perceived as "future development" areas.

#### PROPOSED LANGUAGE

Clear edge zones and emphasis on special treatment at project entry points should be required especially along the eastern and western edge.

## SECTION/COMMENTS

### 4.2 ZONING AND GENERAL PLAN POLICIES

PAGE  
4.2-20

Impact  
4.2-2

#### CURRENT LANGUAGE

"The project could result in the redirection of growth away from urban and rural communities identified in the County's General Plan . . . . Such redirection of growth could have significant fiscal ramifications for existing urban and rural communities."

D223

#### COMMENTS

This finding is very questionable for several reasons. First, there is no rationale or policy identified which establishes that redirection of growth away from an existing community would be considered an adverse impact, and there is nothing which explains even if such redirection were an adverse impact to what extent such an impact would be a significant environmental impact under CEQA.

The DEIR seems to be taking the position that the redirection in growth rate is significant due to its fiscal impact on existing communities. However, there is no conclusive explanation why or how the project would have a significant fiscal impact on Tracy or other communities, and thus the suggested impact appears to be based on speculation.

#### PROPOSED LANGUAGE

Impact 4.2-2 should be identified as a less-than-significant impact, and the last sentence regarding fiscal impacts should be deleted.

## SECTION/COMMENTS

### 4.2 ZONING AND GENERAL PLAN POLICIES

#### PAGE

4.2-21

#### Mitigation Measures

4.2-2

CURRENT LANGUAGE - NONE

#### COMMENTS

Even assuming that there was some basis to the claim that redirection of growth due to the Project would have "significant fiscal ramifications" for existing communities, it is unclear how the proposed mitigation would address any such impacts. How does a redesignation of land address any fiscal ramifications of a reduced growth rate? Nor is there any explanation of why having more land designated for new development than is actually required before 2010 would be likely to have any environmental or fiscal consequences. Any of the lands so redesignated presumably relate to growth later, in or after, the 20 year period covered by the General Plan. If Mountain House is approved in 1992, and homes not delivered until 1995/1996, then these communities will have a more than adequate time to anticipate and plan for whatever effects Mountain House will have on their growth rates.

D224

#### PROPOSED LANGUAGE

Delete Mitigation Measure 4.2-2.



#### 4.3.1    PARKS AND RECREATION

##### PAGE

4.3-4, 5

##### Mitigation Measure

4.3.1-1

##### CURRENT LANGUAGE

##### COMMENTS

Based on current phasing projections, no development is contemplated near the Old River in Phase I (except for the wetlands restoration area) and the sewage treatment area near the eastern edge of the site. As a result, it would be unreasonably burdensome and impractical to develop regional parklands along the Old River during the first phase. However, with the inclusion of an option for funding offsite regional parkland, the measure is reasonable.

##### PROPOSED LANGUAGE

Delete the requirement that on-site regional parkland be required in Phase I, or make it optional.

D225

#### 4.3.1    PARKS AND RECREATION

PAGE  
4.3-5

Mitigation Measure  
4.3.1-2

#### CURRENT   LANGUAGE

#### COMMENT

No development adjacent to the Old River is contemplated in Phase I. Consequently, it would be unduly expensive to extend a road or other infrastructure to such a ramp, and this mitigation appears infeasible. Also, since early phases of Mountain House would not include boating facilities, it is unlikely that Phase I would include a larger percentage of potential boaters than other residential development in the County. Thus, the conclusion that the initial phases would result in a significant impact on existing boating facilities appears unjustified. Furthermore, the environmental and government agency approvals required for a boat launch are lengthy and would delay the start up of the entire town.

D226

#### PROPOSED   LANGUAGE

Delete Mitigation Measure 4.3.1-2.

**4.3.1    PARKS AND RECREATION**

**PAGE**  
**4.3-6**

**Mitigation Measure**  
**4.3.1-3**

**CURRENT   LANGUAGE**

**COMMENTS**

The County has not finalized its standards for the amount of regional park land needed for new residents.

**PROPOSED   LANGUAGE**

By the end of each phase of development, the applicant should either provide on site the minimum acreage of regional parkland to meet adopted County standards, or lien development fees should be regional parkland. Provision of on-site regional parkland should be identified in the Specific Plan, as well as a mechanism for assessing fees for off-site regional parkland.

SECTION/COMMENTS

4.3 PUBLIC SERVICES

PAGE

4.3-10

Mitigation Measure

4.3.2-1

CURRENT LANGUAGE

Through the establishment of a Mello-Roos District, the applicant should provide necessary funds for the purchase of a school bus. This measure or other appropriate measures should be identified in the Specific Plan.

D228

COMMENTS

The specification of specific methods of funding, as a mitigation measure, is not appropriate unless the funding method is materially exclusive to the Impact Mitigation.

PROPOSED LANGUAGE

Funding provisions for student busing should be identified prior to the approval of the Specific Plan.



## SECTION/COMMENTS

### 4.3 PUBLIC SERVICES

#### PAGE

4.3-10

#### Mitigation Measure

4.3

#### CURRENT LANGUAGE

The recommended schedule for high school funding and construction provided by the high school district (Table 4.3-3) should be incorporated into the Specific Plan.

#### COMMENTS

Without comprehensive planning by both the school district and the applicant, it is difficult to pre-establish an accurate schedule. Changes in both Tracy's growth pattern and the phasing of the project would materially impact any schedule.

#### PROPOSED LANGUAGE

Prior to the approval of a Specific Plan the applicant and high school district should agree to a schedule of school construction similar to that shown in Table 4.3-3.

D229

## SECTION/COMMENTS

### 4.4 PUBLIC UTILITIES

PAGE

4.4-25

Mitigation Measure

4.4.2-2(f)

#### CURRENT LANGUAGE

*A pretreatment program should be considered in developing the Specific Plan. The program would be designed to educate and regulate businesses regarding what may be discharged to the sanitary sewer.*

#### COMMENTS

The variety of possible types of future businesses, combined with the diversity of materials to be handled by individual businesses, each with specific and detailed pretreatment practices, makes it impractical to prepare a comprehensive pretreatment program during the Specific Plan phase. Instead, the CSD for Mountain House should establish a monitoring program which will develop pretreatment standards and regulate business discharges into the sanitary sewer and pretreatment practices.

D230

#### PROPOSED LANGUAGE

The Mountain House Community Services District (CSD) should establish a monitoring program to educate and regulate businesses regarding what may be discharged into the sanitary sewer. The requirement for a pretreatment monitoring program should be addressed in the Specific Plan. Prior to construction of the first phase of the Project, the CSD should develop pretreatment standards to be used in evaluating future business pretreatment programs. Prior to construction of an individual business site, the business should prepare a detailed pretreatment program which will be subject to the approval of the CSD.

## SECTION/COMMENTS

### 4.4 PUBLIC UTILITIES

PAGE

4.4-26

Mitigation Measure

4.4.2-2 (h)

#### CURRENT LANGUAGE

*All the agricultural drains under the project site should be located and removed or abandoned in-place, in accordance with direction from the RWQCB, to eliminate the potential for the drains to act as contamination conduits.*

#### COMMENTS

D231

Agricultural activities will continue within the project until construction work prohibits any further agricultural use of the property. This will require an interim phased removal of agricultural drains.

#### PROPOSED LANGUAGE

Prior to project construction for any project phase, a determination should be made on the timing and removal of agricultural drains under the impacted project areas to eliminate the potential for the drains to act as contamination conduits. Ultimately, all the agricultural drains should be removed or abandoned from the project. All work relating to the relocation or abandonment of agricultural drains under the project site should be in cooperation with the RWQCB.

## SECTION/COMMENTS

### 4.4 PUBLIC UTILITIES

PAGE

4.4-31

Mitigation Measure

4.4.3-1(c)

#### CURRENT LANGUAGE

*The Community Services District for the proposed project should prepare and implement a Best Management Plan to: 1) prevent non-storm water from entering the storm water collection system; 2) minimize the discharge of pollutants into the storm water collection system, and, 3) prepare for prompt and effective response to accidental spills into the storm drain system. This plan should be developed as part of the project's Specific Plan.*

#### COMMENTS

D232

A Best Management Plan should be prepared for storm water management practices. The details for the preparation and implementation of a Best Management Plan should be developed prior to project construction. It is not imperative that it be developed as a part of the Specific Plan processing.

#### PROPOSED LANGUAGE

*The Community Services District for the proposed project should prepare and implement a Best Management Plan to: 1) prevent non-storm water from entering the storm water collection system; 2) minimize the discharge of pollutants into the storm water collection system, and, 3) prepare for prompt and effective response to accidental spills into the storm drain system. This plan should be developed prior to project construction.*



SECTION/COMMENTS

4.4 PUBLIC UTILITIES

PAGE

4.4-32

Mitigation Measure

4.4.3-2 (b)

CURRENT LANGUAGE

*Detailed streambed modification design and riparian vegetation proposals should be prepared at the Specific Plan stage and should be subject to approval by the County and CDFG.*

D233

COMMENTS

It is understood that, prior to construction, any future streambed alternation and riparian vegetation proposals will be subject to approval by the County and California Department of Fish and Game. It is premature to consider this issue at the Specific Plan stage of the Project when the more appropriate time is during the preliminary design phase when actual plans are more definitive.

PROPOSED LANGUAGE

*Detailed streambed modification design and riparian vegetation proposals should be prepared prior to project construction and should be subject to approval by the County and CDFG.*

## SECTION/COMMENTS

### 4.4 PUBLIC UTILITIES

PAGE

4.4-33

Mitigation Measure

4.4.3-3(b)

#### CURRENT LANGUAGE

D234

*Inlets to detention ponds must be designed to reduce the velocity of the water in the ponds. The inlet design should be included in the Specific Plan.*

#### COMMENTS

It is understood that, prior to construction, any proposed inlets to detention ponds will be subject to approval by the County. It is premature to require an inlet design for the detention ponds to be included in the Specific Plan when the more appropriate time is during the design phase and prior to project construction.

#### PROPOSED LANGUAGE

*Inlets to detention ponds must be designed to reduce the velocity of the water in the ponds. The inlet design should be provided prior to project construction.*

## SECTION/COMMENTS

### 4.4 PUBLIC UTILITIES

PAGE

4.4-34

Mitigation Measure

4.4.3-3(c)

#### CURRENT LANGUAGE

*If two-stage detention ponds were used, the inflow channel for the upper stage (usually dry) should be constructed to prevent erosion, which may include a concrete low-flow channel or riprap, and should terminate at the edge of the lower stage (always wet). The design features to prevent erosion should be provided in the Specific Plan.*

#### COMMENTS

D235

It is understood that, prior to construction, the design of the proposed detention ponds will be subject to approval by the County. It is premature to require a detention basin design for the Specific Plan when the more appropriate time is prior to project construction.

#### PROPOSED LANGUAGE

*If two-stage detention ponds were used, the inflow channel for the upper stage (usually dry) should be constructed to prevent erosion, which may include a concrete low-flow channel or riprap, and should terminate at the edge of the lower stage (always wet). The design of the detention ponds should be completed prior to project construction.*

## SECTION/COMMENTS

### 4.4 PUBLIC UTILITIES

#### **PAGE**

4.4-34

#### **Mitigation Measure**

4.4.3-3(d)

#### CURRENT LANGUAGE

*Periodic removal of sediments from detention ponds should occur to restore the capacities and to minimize resuspension of sediments. Maintenance activities should be described in the Specific Plan.*

D236

#### COMMENTS

The general requirement for periodic maintenance of the detention ponds should be addressed in the Specific Plan. A detailed description of maintenance activities should be prepared prior to project construction and included in the maintenance program of the Community Services District.

#### PROPOSED LANGUAGE

*Periodic removal of sediments from detention ponds should occur to restore the capacities and to minimize resuspension of sediments. The requirement for a storm drainage maintenance plan should be addressed in the Specific Plan and should be formulated in detail prior to project construction.*



## SECTION/COMMENTS

### 4.4 PUBLIC UTILITIES

#### **PAGE**

4.4-34

#### **Mitigation Measure**

4.4.3-4(a)

#### CURRENT LANGUAGE

*Surface barriers near the inlets to detention ponds should be considered to contain floating debris and residual hydrocarbon within a small area of the basins to allow for easier cleanup. The pond designs should be included in the Specific Plan.*

#### COMMENTS

It is understood that, prior to construction, the design of the proposed detention ponds will be subject to approval by the County. It is premature to require a detention pond design for the Specific Plan when the more appropriate time is prior to project construction.

#### PROPOSED LANGUAGE

*Surface barriers near the inlets to detention ponds should be considered to contain floating debris and residual hydrocarbon within a small area of the basins to allow for easier cleanup. The pond design should be completed prior to project construction.*

D237

## SECTION / COMMENTS

### 4.4 PUBLIC UTILITIES

#### **PAGE**

4.4-34

#### **Mitigation Measure**

4.4.3-4 (b)

#### CURRENT LANGUAGE

*Landscaping in and around detention ponds should be maintained free from litter and in healthy condition. To the extent feasible, native drought tolerant plants should be used. Landscaping plans and maintenance activities should be described in the Specific Plan.*

D238

#### COMMENTS

A general statement addressing the requirement for, 1) the preparation of landscaping plans, and 2) a description of maintenance activities, in and around detention ponds, should be discussed in the Specific Plan. A detailed description of the landscaping plans and maintenance activities in and around detention ponds should be completed prior to project construction.

#### PROPOSED LANGUAGE

*Landscaping in and around detention ponds should be maintained free from litter and in healthy condition. To the extent feasible, native drought tolerant plants should be used. Landscaping plans and a description of maintenance activities should be completed prior to project construction.*

## SECTION/COMMENTS

### 4.4 PUBLIC UTILITIES

PAGE

4.4-35

Mitigation Measure

4.4.3-4(c)

#### CURRENT LANGUAGE

*Equipment for removing floating debris and cleaning up petroleum products from the basins should always be available within the project site. Description of the equipment and other necessary materials should be provided in the Specific Plan.*

#### COMMENTS

D239

The general requirement for maintaining the detention basins should be addressed in the Specific Plan. The details of maintenance would be more appropriately addressed by the Community Services District within an Operations and Maintenance Manual. This manual should be completed and provided to maintenance personnel prior to completion of the Project's first phase.

#### PROPOSED LANGUAGE

*Equipment for removing floating debris and cleaning up petroleum products from the basins should always be available within the project site. Description of the equipment and other necessary materials should be provided by the Community Services District and included in an Operations and Maintenance Manual which is to be provided to maintenance personnel prior to completion of the Project's first phase.*

## SECTION/COMMENTS

### 4.4 PUBLIC UTILITIES

PAGE

4.4-35

Mitigation Measure

4.4.3-4(d)

#### CURRENT LANGUAGE

*Frequent inspection of detention ponds (e.g. daily during rain storms, weekly during dry periods) should be conducted and the findings recorded. Inspection schedules and record keeping plans should be included in the Specific Plan.*

#### COMMENTS

D240

The general requirement for maintaining the detention basins should be addressed in the Specific Plan. The details of maintenance would be more appropriately addressed by the Community Services District within an Operations and Maintenance Manual. This manual should be completed prior to completion of the Project's first phase.

#### PROPOSED LANGUAGE

*Frequent inspection of detention ponds (e.g. daily during rain storms, weekly during dry periods) should be conducted and the findings recorded. Monitoring the detention basins and implementing inspection schedules and record keeping plans should be detailed in an Operations and Maintenance Manual which is to be provided to maintenance personnel prior to completion of the Project's first phase.*



## SECTION/COMMENTS

### 4.4 PUBLIC UTILITIES

#### PAGE

4.4-35, 37

#### PARAGRAPH

(35)4, (37)1

#### CURRENT LANGUAGE

*Two existing and one proposed electrical transmission line easements traverse the project site (Figure 4.4-5). The Weber-Herdlyn 60 kilovolt (kV) overhead transmission line with a 30-foot wide easement runs northwest to southeast across the northern portion of the project site, parallel to Old River. The Rio Oso-Tesla 230 kV overhead transmission line with a 75-foot wide easement runs southwest to northeast across the southeast portions of the project site and the site's northeast corner. The proposed Rancho Seco-Tesla 500 kV overhead transmission line is adjacent to the Rio Oso-Tesla line and has an easement of 200 feet.*

D241

#### COMMENTS

Based upon our discussions with PG&E, the Rancho Seco Power Plant in Sacramento County has been abandoned and the proposed Rancho Seco-Tesla 500 kV overhead transmission line project has been canceled. If, in fact, it has been abandoned, then all right-of-way acquisition will have stopped, and PG&E may consider relinquishing back the right-of-way already acquired to property owners upon request. The width of the right-of-way they were acquiring was 192.5 feet. The current language should be changed to reflect the above information.

## SECTION/COMMENTS

### 4.4 PUBLIC UTILITIES

PAGE

4.4-37

Paragraph

4

### CURRENT LANGUAGE

#### Impact

4.4.4-1

*The proposed land use plan appears to violate PG&E restrictions for uses within electrical transmission line and natural gas pipeline easements and does not provide adequate corridors for planned utility easements.*

*The proposed land use plan does not provide sufficient undeveloped corridors for complying with easement restrictions associated with the overhead electrical transmission lines. The project's open space corridor proposed for the alignments of the Rio Oso-Tesla and Rancho Seco-Tesla transmission lines does not extend along the whole length of the easements through the project site and does not appear to be sufficiently wide over the length of the easement. The applicant has proposed to relocate and/or underground the Weber-Herdlyn 60 kV transmission line so that the need for an open space corridor would not be needed.*

D242

### COMMENTS

A reference is made to "alignments of the Rio Oso-Tesla and Rancho Seco-Tesla transmission lines". If, as our discussions with PG&E indicate, the Rancho Seco-Tesla Tower Line project has been abandoned, there are now no proposed new overhead power lines crossing the site. Also, the land use requirements to provide undeveloped corridors for complying with easement requirements associated with overhead electrical transmission lines should be changed to not exclude other acceptable land uses under electrical transmission lines (i.e. parking lots, yard storage facilities, etc.). The current language should be changed to reflect the above information.

## SECTION/COMMENTS

### 4.4 PUBLIC UTILITIES

#### PAGE

4.4-38

#### Mitigation Measure

4.4.4-1(c)

#### CURRENT LANGUAGE

*An adequate corridor which meets PG&E approval should be provided for the Rio Oso-Tesla and proposed Rancho Seco-Tesla transmission line corridors (see Section 4.12, Public Health and Safety section of the DEIR). PG&E's approval should be secured and documented in the Specific Plan.*

D243

#### COMMENTS

A reference is made to the "proposed Rancho Seco-Tesla transmission line". If, as our discussions with PG&E indicate, the Rancho Seco-Tesla Tower Line project has been abandoned, the text of this mitigation measure should be changed.

#### PROPOSED LANGUAGE

*An adequate corridor which meets PG&E approval should be provided for the Rio Oso-Tesla transmission line corridors (see Section 4.12, Public Health and Safety section of the DEIR). PG&E's approval should be secured and documented prior to construction within or adjacent to the corridor area.*

## SECTION/COMMENTS

### 4.4 PUBLIC UTILITIES

#### **PAGE**

4.4-40

#### **Mitigation Measure**

4.4.4-2 (b)

#### CURRENT LANGUAGE

*The land use plan should provide dedicated easements for solar access so that solar collectors on any building would not be shaded by adjacent buildings. Such easements should be addressed in the Specific Plan.*

#### COMMENTS

It is premature to have a land use plan for the Specific Plan address the details of this issue. It should be handled later in the Project development when plans will be better defined and a better determination can be made as to the need for such easements on a project-by-project basis.

#### PROPOSED LANGUAGE

The Specific Plan should specify conformance to the Solar Rights Act of 1978 and the Solar Shade Control Act of 1978. Conformance to these regulations should be addressed in more detail during the Tentative Map phase of the project.

D244



SECTION/COMMENTS

4.4 PUBLIC UTILITIES

PAGE

4.4-40

Mitigation Measure

4.4.4-2 (c)

CURRENT LANGUAGE

*The Specific Plan should assess the feasibility of incorporating solar water heating systems for residential, commercial, and industrial buildings.*

D245

COMMENTS

A better assessment can be made on the feasibility of incorporating solar water heating systems into buildings within the project during the design phase of the project.

PROPOSED LANGUAGE

The Specific Plan should require that the feasibility of incorporating solar water heating systems be assessed in the design phase of the project.

## SECTION/COMMENTS

### 4.4 PUBLIC UTILITIES

PAGE

4.4-40

Mitigation Measure

4.4.4-2 (d)

#### CURRENT LANGUAGE

*Residences with common walls should be incorporated into the project to the extent practicable to minimize heat loss from units. Inclusion of such units should be addressed in the Specific Plan.*

#### COMMENTS

D246

Conservation of energy is an important consideration in the design of any residence. High density (common wall) dwellings is one of several possible conservation measures. The need for energy efficient dwelling units should be stated in the Specific Plan. However, the actual design of energy efficient units is more appropriately addressed during the design and plan approval process of the Project.

#### PROPOSED LANGUAGE

Conservation of energy is an important consideration in the design of any residence. High density (common wall) dwellings is one of several possible conservation measures. The need for energy efficient dwelling units should be stated in the Specific Plan. The design of individual energy efficient units should be prepared during the design and plan approval process of the Project.

## SECTION/COMMENTS

### 4.4 PUBLIC UTILITIES

PAGE

4.4-40

Mitigation Measure

4.4.4-2 (e)

#### CURRENT LANGUAGE

*Shade trees should be provided on the west side of buildings to reduce cooling demands during the summer and to provide windbreaks during the cooler months. Landscaping standards should be established in the Specific Plan.*

#### COMMENTS

D247

On-site landscaping standards should remain flexible enough for each neighborhood or "village" to develop its own architectural identity. The time and creative effort needed to develop an architectural style and landscaping standard for each neighborhood would be more constructively spent during the design phase of the project.

#### PROPOSED LANGUAGE

*Shade trees should be provided on the west side of buildings to reduce cooling demands during the summer and to provide windbreaks during the cooler months. The requirement for on-site landscaping standards to reduce cooling demands on buildings should be addressed in the Specific Plan, with more detailed landscaping standards prepared prior to project construction.*

## SECTION/COMMENTS

### 4.4 PUBLIC UTILITIES

PAGE

4.4-40

Mitigation Measure

4.4.4-2 (f)

#### CURRENT LANGUAGE

*Shade trees should be provided in parking lots that would not block winter sunlight from reaching nearby buildings. At least 70 percent of the parking stalls should be shaded between 10 a.m. and 2 p.m. Such shading would reduce the use of air conditioning in automobiles and heat buildup associated with asphalt. Landscaping standards should be established in the Specific Plan.*

#### COMMENTS

D248

On-site landscaping standards should remain flexible enough for each neighborhood or "village" to develop its own architectural identity. The time and creative effort needed to develop these architectural styles and landscaping standards would be most constructively spent during the design phase of the project.

#### PROPOSED LANGUAGE

*Shade trees should be provided in parking lots that would not block winter sunlight from reaching nearby buildings. Parking lots should have at least one shade tree for every ten parking stalls. Such shading would reduce the use of air conditioning in automobiles and heat buildup associated with asphalt. The requirement for on-site landscaping standards for shading purposes should be addressed in the Specific Plan, with more detailed Landscaping Standards prepared prior to project construction.*



## SECTION/COMMENTS

### 4.6 GEOLOGY, SOILS, AND SEISMICITY

PAGE

4.6-11

Mitigation Measure

4.6-1(a)

#### CURRENT LANGUAGE

*Prior to any on-site construction, an erosion and sediment control plan for the entire proposed project should be developed by the project engineer and submitted to the San Joaquin County Department of Public Works for review and approval. The plan should comply with requirements of the San Joaquin County Grading Ordinance and the National Pollutant Discharge Elimination System non-point-source reduction programs, as a minimum.*

#### COMMENTS

It would be difficult to prepare an erosion and sediment control plan for the entire proposed project that would anticipate every on-site condition. Instead, erosion and sediment control standards should be prepared to address the entire proposed project and subsequently any construction plans should conform to these standards and address erosion and control measures which are specific to on-site conditions.

D249

#### PROPOSED LANGUAGE

Prior to the start of any on-site construction, erosion and sediment control standards for the entire proposed project should be developed by the project engineer and submitted to the San Joaquin County Department of Public Works for review and approval. Such development standards should comply with requirements of the San Joaquin County Grading Ordinance and the National Pollutant Discharge Elimination System non-point-source reduction programs, as a minimum. Construction plans for any specific project shall have provisions that comply with the standards and which should address erosion and control measures which are specific to on-site conditions. The erosion and sediment control measures would be a part of the construction plan approval process.

Revised 1/21/92

## SECTION / COMMENTS

### 4.6 GEOLOGY, SOILS, AND SEISMICITY

PAGE

4.6-11

Mitigation Measure

4.6-2

#### CURRENT LANGUAGE

*Prior to development of the Specific Plan, a detailed geotechnical investigation of on-site soils should be conducted. This investigation should identify soils with high shrink/swell potential and recommend appropriate foundations and pavement subgrade treatment.*

#### COMMENTS

The recommended geotechnical investigation should not be considered until just prior to project construction when the proximity of the proposed building or pavement structure to specific soil conditions is more clearly known. Also, when the type and location of the proposed structures are known, a better determination can be made on the type and extent of soil tests to be conducted.

D250

#### PROPOSED LANGUAGE

Prior to project construction, during the design phase of the project, a detailed geotechnical investigation of on-site soils should be conducted. This investigation should identify soils with high shrink/swell potential and recommend appropriate foundations and pavement subgrade treatment in conformance with accepted engineering practices.

## SECTION/COMMENTS

### 4.6 GEOLOGY, SOILS, AND SEISMICITY

PAGE

4.6-12

Mitigation Measure

4.6-3

#### CURRENT LANGUAGE

*Areas underlain by low-density clays should be left as open space, or alternatively, building foundations should be designed to minimize settlement.*

D251

#### COMMENTS

The suitability of building improvements over areas underlain by low-density clays should be determined during the design phase of the Project. At that time, the project plans will have been better defined and dealing with foundation issues can be addressed in greater detail.

#### PROPOSED LANGUAGE

Development in areas underlain by low-density clays should be designed to minimize potential settlement. Any determination on the suitability of the soils to support structures should be decided on a project by project basis and foundation designs should be subject to County approval.

## SECTION/COMMENTS

### 4.6 GEOLOGY, SOILS, AND SEISMICITY

#### PAGE

4.6-12

#### Mitigation Measure

4.6-5

#### CURRENT LANGUAGE

*A detailed geotechnical investigation should be conducted prior to development of the Specific Plan to determine areas that may be susceptible to liquefaction. The report should recommend design criteria for construction in these areas. Development in areas identified as susceptible to liquefaction should be limited to open space or very-low-density development. All structures, roads, and utility lines proposed in these areas should follow design criteria that reduce potential liquefaction impacts. Unless these areas are reserved for open space, the impacts associated with liquefaction would remain potentially significant.*

#### COMMENTS

We do not believe that the potential for liquefaction will be a significant enough problem within the project area to warrant a detailed geotechnical investigation prior to the approval of the Specific Plan. A preliminary geotechnical analysis of the site can identify those areas susceptible to liquefaction. Those areas should be further investigated to confirm the potential for liquefaction. A detailed investigation should be conducted during the design phase of the Project.

D252

#### PROPOSED LANGUAGE

A preliminary geotechnical investigation should be conducted, prior to acceptance of the Specific Plan, that will identify the areas within the project that are susceptible to liquefaction. The preliminary report should recommend general design criteria for construction in these areas and recommend additional detailed geotechnical investigations in those areas where the liquefaction potential could significantly alter land use planning. Development in areas identified as susceptible to liquefaction should be limited to open space or very-low-density development. All structures, roads, and utility lines proposed in these areas should follow design criteria that reduce potential liquefaction impacts.

Revised 1/21/92



## SECTION/COMMENTS

### 4.7 HYDROLOGY AND WATER QUALITY

PAGE  
4.7-8

Mitigation Measure  
4.7-1(a)

#### CURRENT LANGUAGE

*The levees protecting the project site should all be thoroughly inspected, evaluated and improved, as necessary, prior to any development within the portion of the site currently designated as a 100-year flood zone. The evaluation of the levee should be performed by a certified engineering geologist or registered geotechnical engineer prior to completion of the Specific Plan. All recommendations presented for levee design and improvements by the professionals should be implemented following review and approval by the San Joaquin County Flood Control Engineer. The review would be conducted under the FEMA requirements for the "Letter of Map Revision" process. Areas currently within the 100-year flood zone cannot be rezoned until this area has been taken out of the flood zone. Thus, before the Specific Plan is approved, this levee work must be complete and approved.*

*Levee reconstruction or modification would require permits from the State Reclamation Board, U.S. Army Corps of Engineers (COE), U.S. Department of Fish and Game, and the California Department of Fish and Game.*

D253

#### COMMENTS

A geotechnical, seismic, and engineering investigation, analysis and report should be performed to determine 1) the potential sources of flooding from a 100-year event, and 2) the alternative flood protection measures necessary to meet the requirements of the Federal Emergency Management Agency (FEMA) which would remove the portion of the project area adjacent to Old River from the 100-year flood hazard zone. The method to provide flood protection from a 100-year event is yet to be determined depending upon the results of the investigation, analysis and report. It is possible that rehabilitation of the existing levees may not be feasible and that the construction of an entirely new levee system, which meets FEMA criteria, may be recommended.

Revised 1/21/92

(Cont'd.)

Mitigation Measure  
4.7-1(a)

COMMENTS (Cont'd)

Application for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Maps (FIRM), based upon the flood protection measures which are proposed, may be made to FEMA. FEMA may issue the CLOMR prior to actual construction or completion of the flood protection improvements. A Letter of Map Revision (LOMR) to the FIRM is issued by FEMA upon certification of completion of the flood protection improvements which are approved in the CLOMR. Issuance of the CLOMR or LOMR is based upon confirmation that flood protection measures meet the design, operation and maintenance criteria of FEMA.

The proposed development along the 2000-foot wide strip of land adjacent to the south bank levee of Old River may be identified in the Specific Plan, subject to the removal of the 100-year flood hazard zone and the issuance of permits from regulatory public agencies. Approval of rezoning, tentative maps, final maps, subdivision improvements and building permits within the 100-year flood hazard zone should be made subject to removal of the flood hazard zone designation. A specific site development and building structure within a flood plain may be allowed only after San Joaquin County approval of the method used to flood proof the specific development site and building structure in accordance with its adopted ordinance.

D253

Mitigation Measure  
4.7-1(a)

PROPOSED LANGUAGE (Cont'd)

Flood protection improvements, which are designed to meet the Federal Emergency Management Agency (FEMA) criteria, should be constructed. All geotechnical, seismic and engineering investigations, analyses and reports and all proposed design and improvement plans of the flood protection measures to be implemented should be submitted for review and approval by the San Joaquin County Flood Control and Water Conservation District.

Approval for development, including approval of 1) rezoning for urban land use, 2) tentative map, 3) final map, 4) subdivision improvements, and 5) building permits, within the portion of the project area adjacent to Old River, which is presently identified in the Flood Insurance Rate Maps (FIRM) to be within the 100-year flood hazard zone, shall be subject to the issuance of a Letter of Map Revision (LOMR) to the FIRM.

Without the removal of the 100-year flood hazard zone designation, approval of a specific development site and building structure within the flood plain is subject to San Joaquin County approval of the method used to flood proof the specific development site and building structure in accordance with its adopted ordinance.

Construction of flood protection improvements 1) within ten (10') feet of the landside toe of levee, 2) in the waterside bank slope of the levee and 3) in the channel streambed may require permits from the State Reclamation Board, U.S. Army Corps of Engineers, U.S. Department of Fish and Wildlife, the State Department of Fish and Game, the State Lands Commission, and the State Department of Water Quality Control.

D253

## SECTION/COMMENTS

### 4.8 VISUAL QUALITY

#### PAGE

4.8-13, 16

#### Mitigation Measure

4.8-1(a)

#### CURRENT LANGUAGE

A major visual setback should be provided to maintain an agricultural gateway to San Joaquin County for motorists driving along I-205. Development south of Grant Line Road could be limited to a band extending approximately 3,000 feet south of the road....The applicant could purchase a conservation easement....the land could remain in private ownership and agricultural production, with deed restrictions to prevent future development.

#### COMMENTS

This measure is based on the authors' judgment that change from rural to urban development necessarily is a significant adverse environmental impact. In fact, a change to urban development need not be a significant adverse aesthetic impact.

In addition, the recommendation that development could be set back significantly from I-205 conflicts with the County General Plan 2010 policy for Freeway Service Commercial, which criteria includes "easily accessible and visible to the freeway traveler". A better mitigation is included in the General Plan criteria which further state that the development be "designed in an attractive manner that creates a favorable impression of the County by considering the overall site design, landscaping, scale of development, signage, relationship to adjacent uses, circulation and parking, and architecture". Therefore, the Specific Plan for the freeway service and surrounding areas should contain signage, landscaping, and other guidelines to provide an attractive entrance to Mountain House at Patterson Pass Road.

For the residential or other development along the freeway, the proposed new town, as an urban rather than a rural development, should provide an attractive visual edge and noise barrier. For example, Figure 3.7 in the DEIR shows a 50-foot



## SECTION/COMMENTS

PAGE

4.8-16

Mitigation Measure

4.8-1(a)

### COMMENTS    (Cont'd)

wide landscape screening along the freeway project edges. The freeway edge could consist of a combination of sound walls, fences or earthen berms with planting and maintenance to be provided through an agreement with Mountain House Community Services District. Controlled signage and landscaping within the landscape area will create an attractive condition, and criteria should be required at the Specific Plan stage.

Even if it is otherwise warranted, the proposed visual setback along I-205 (and the similar proposed mitigation for noise control purposes along I-205) relate specifically to the impacts of developing that particular land, and do not relate to the impacts of the Project as a whole. These mitigations are completely unrelated to any impacts of developing the area north of Grant Line Road. Therefore, the responsibility for dedication/maintenance, if such a setback is required, should be assigned to the persons who own the property along I-205, not to the Project Applicant, which owns and controls land only north of Grant Line Road.

D254

### PROPOSED LANGUAGE

If this setback is retained, revise next-to-last sentence as follows: "The owners of the land adjacent to I-205 should dedicate . . . ." otherwise we suggest that the mitigation be "special attention should be given to the visual quality along the north edge of the I-205 boundary with the project. A 50' wide heavily landscaped vegetation and berms should be required as a condition of the specific Plan."

## SECTION/COMMENTS

### 4.8 VISUAL QUALITY

#### PAGE

4.8-19

#### Mitigation Measure

4.8-4(a) (b)

#### CURRENT LANGUAGE

Mitigation - Any required road widening should include protection of mature trees. For example, when trees are located along the west side (e.g. Patterson Pass Road) or south side (e.g. Grant Line Road), the area used for road widening should be the east or north sides, respectively.

Mitigation - The Specific Plan should include mapping of all mature on-site trees visible from existing and proposed roads. Provisions to protect existing mature trees should be included in the Plan.

#### COMMENTS

D255

Preservation of any quality tree is a highly desirable objective of any good development. However, many older trees may not be worth saving or are not compatible with an urban environment. The trees along Patterson Pass look in particularly good condition, however the Grantline Road trees appear to be in serious distress. The County and the applicant should have the latitude to replace or save trees according to a County standard that allows flexibility.

#### PROPOSED LANGUAGE

Mitigation 4.8-4(a). A community tree preservation plan should be created and approved by the County for the project prior to the approval of any Specific Plan. The plan should included at a minimum restrictions on the removal of larger trees except in the community interest, where they are unsafe, interfere with important public utilities, are of unsightly appearance, interfere with the overall community landscaping plans or old and of unsalvageable health. All removed trees should be replaced. A tree mapping program should be part of

SECTION/COMMENTS

PAGE  
4.8-19

Mitigation Measure  
4.8-4(a)(b)

PROPOSED LANGUAGE     (Cont'd)

The plan. The existing Mitigation 4.8-4(b) can be replaced with the above mitigation it is used.

D255

## SECTION/COMMENTS

### 4.9 FISCAL IMPACTS

PAGE

4.9-2

FOOTNOTE #2

CURRENT LANGUAGE - NONE

### COMMENTS

If the CSD becomes the service provider for many of the services indicated in the table, augmentation funds from the County would be needed to pay for the provision of services that would have otherwise been provided directly by the County.

### PROPOSED LANGUAGE

2 Services provided by the CSD that would have otherwise been provided by the County may be funded in part through augmentation funds from the County.

D256



## SECTION/COMMENTS

### 4.9 FISCAL IMPACTS

PAGE  
4.9-3

PARAGRAPH 2 (end of)

#### CURRENT LANGUAGE

*A study prepared two years ago noted that "if historical growth trends continue...non-discretionary services will require 100 percent of general revenues, leaving no funds for discretionary services (such as parks and recreation) or capital improvements" (Economic and Planning Systems, 1989). The increased burden of countywide service costs will correspondingly diminish the County's ability to provide urban services to unincorporated areas.*

#### COMMENT

The development of a New Town will reduce the trends associated with "historical growth", will increase property and sales tax revenues to the County, and will require a reduced level of mandated services, such as welfare and social services.

#### PROPOSED LANGUAGE

*A study prepared two years ago noted that "if historical growth trends continue...non-discretionary services will require 100 percent of general revenues, leaving no funds for discretionary services (such as parks and recreation) or capital improvements" (Economic and Planning Systems, 1989). The increased burden of countywide service costs will correspondingly diminish the County's ability to provide urban services to unincorporated areas. However, the development of New Towns may actually reverse this trend due to the increased property and sales tax revenues generated by new development and the reduced level of mandated services, such as welfare and social services, typically demanded by new homebuyers.*

## SECTION/COMMENTS

### 4.9 FISCAL IMPACTS

PAGE

4.9-6

FOOTNOTE #4

#### CURRENT LANGUAGE

*The property tax submodel applied in this analysis assumes that homes in the low-density through medium-high density categories are sold - and reassessed - every ten years, and that high density residential and nonresidential properties will experience no significant turnover during the projection period (1993-2010). The rationale for assuming no significant turnover during the study period for these latter types of uses is that 1) high-density units are likely to be apartments, which tend to be resold on a less frequent basis than single-family homes, particularly if the buildings are owner-occupied. The tenancy characteristics of multi-family and nonresidential properties will not be known until actual projects are proposed for construction; the fiscal analysis therefore applies conservative turnover and value appreciation rates."*

#### COMMENTS

No "significant" turnover suggests that at least a conservative turnover rate was included for high density and nonresidential properties. The fiscal analysis actually assumes no turnover of high density and nonresidential properties from 1993-2010.

#### PROPOSED LANGUAGE

*The property tax submodel applied in this analysis assumes that homes in the low-density through medium-high density categories are sold - and reassessed - every ten years, and that high density residential and nonresidential properties will experience no ~~significant~~ turnover during the projection period (1993-2010). The rationale for assuming no ~~significant~~ turnover during the study period for these latter types of uses is that 1) high-density units are likely to be apartments, which tend to be resold on a less frequent basis than single-family homes, particularly if the buildings are owner-occupied. The tenancy characteristics of multi-family and nonresidential properties will not be known until actual projects are proposed for construction; the fiscal analysis therefore conservatively assumes no turnover and reassessment of these land use types. Any resales of high density residential, commercial and/or industrial properties that occur within the seventeen-year projection period will increase the revenues over the levels estimated in this analysis.*

D258

## SECTION/COMMENTS

### 4.9 FISCAL IMPACTS

PAGE

4.9-7

FOOTNOTE #6

### CURRENT LANGUAGE

*Aside from retail expenditures, tax revenue can also be generated by point-of-origin sales and equipment usage at offices and industrial facilities. These sales and use taxes fluctuate greatly on a per-square-foot basis (many businesses generate no such taxes) and are much lower than sales taxes generated by retail stores. For this reason, and because of the uncertainty regarding the potential extent to which the Mountain House New Town would attract tax-generating commercial and industrial enterprises, nonretail sales and use taxes have been excluded from the analysis of fiscal impacts.*

### COMMENTS

Sales and use taxes from nonretail land uses represent a substantial amount of overall sales tax revenues. Currently, in San Joaquin County, manufacturing and industrial land uses generate an average of \$54.04 per square foot in taxable sales, and office uses produce an average of \$21.26 per square foot in taxable sales. The "uncertainty regarding the potential extent to which the Mountain House New Town would attract tax-generating commercial and industrial enterprises" has already been accounted for in the assumption that only 40% of the nonresidential land uses develop by 2010; therefore this should not be used as a reason for not including nonretail sales and use tax revenues.

D259

### PROPOSED LANGUAGE

*Aside from retail expenditures, tax revenue can also be generated by point-of-origin sales and equipment usage at offices and industrial facilities. These sales and use taxes fluctuate greatly on a per-square-foot basis (many businesses generate no such taxes) and are lower than sales taxes generated by retail stores. For this reason, the fiscal analysis does not reflect revenues generated from nonretail sales and use taxes. However, if the nonretail land uses in Mountain House generate taxable sales per square foot consistent with the current County average, approximately \$1.3 million in additional tax revenues would be generated in 2010, assuming 40% absorption of nonretail acreage.*

## SECTION/COMMENTS

### 4.9 FISCAL IMPACTS

PAGE

4.9-9

### PARAGRAPH 1

#### CURRENT LANGUAGE

*When real property is sold, the County levies a transfer tax of \$1.10 per \$1,000 of that property's equity value. Transfer tax projections for the Mountain House New Town are based on the sale of new homes and upon their later resale as determined by the property tax model. Document transfer taxes represent 2.4 percent of the County's FY 1991-92 estimated general fund revenues.*

#### COMMENTS

Transfer tax revenues would be increased by the turnover of high density and nonresidential property.

#### PROPOSED LANGUAGE

*When real property is sold, the County levies a transfer tax of \$1.10 per \$1,000 of that property's equity value. Transfer tax projections for the Mountain House New Town are based on the sale of new homes and upon their later resale as determined by the property tax model. Document transfer taxes represent 2.4 percent of the County's FY 1991-92 estimated general fund revenues. Estimated transfer tax revenues are based on the assumption that no high density residential or nonresidential properties are resold between 1993 and 2010. If any of these properties are resold, transfer tax revenues will be higher.*

D260



## SECTION/COMMENTS

### 4.9 FISCAL IMPACTS

PAGE  
4.9-9

PARAGRAPH 2 (last sentence)

#### CURRENT LANGUAGE

*...Excluded from this total is the County's Transient Occupancy Tax; although the project applicant anticipates hotel development would occur at some point in the community's growth, the timing and extent of such development is extremely problematic and could conceivably never occur.*

#### COMMENTS

The hotel anticipated by the applicant is part of the proposed project that is to be evaluated in the EIR. As there is currently no study prepared by a market absorption specialist that suggests that the development of a hotel is "extremely problematic", it is speculation to remove it from the analysis altogether.

#### PROPOSED LANGUAGE

*...Excluded from this total is the County's Transient Occupancy Tax; although the County currently collects an 8% Transient Occupancy Tax, the fiscal analysis assumes that the proposed hotel will not develop by the year 2010 and, therefore, Transient Occupancy Tax revenues are not included in the analysis. If the hotel is developed, the Transient Occupancy Tax would generate approximately \$182,500 per year, assuming 250 rooms, a 50% occupancy rate and an average room rate of \$50 per night.*

D261

## SECTION/COMMENTS

### 4.9 FISCAL IMPACTS

PAGE

4.9-14

#### IMPACT 4.9-1

#### CURRENT LANGUAGE

*The proposed project may require more in General Fund-financed service expenditures than generated in General Fund revenues. The imbalance of expenditures over revenues could occur if non-residential land uses develop more closely than anticipated by the applicant.*

#### COMMENTS

D262

The imbalance is especially apparent because it is assumed that residential does absorb as expected, but nonresidential does not.

#### PROPOSED LANGUAGE

*The proposed project may require more in General Fund-financed service expenditures than generated in General Fund revenues. The imbalance of expenditures over revenues could occur if all residential land uses develop as planned, but nonresidential land uses develop more slowly than anticipated by the applicant.*

## SECTION/COMMENTS

### 4.9 FISCAL IMPACTS

PAGE

4.9-16

PARAGRAPH 1

#### CURRENT LANGUAGE

*Conversely, General Fund expenditures are projected to rise from \$1.4 million in 1993 to \$22.0 million by the year 2010 - a 17.6 percent annualized rate of growth. About 56 percent of the General Fund expenditures created by the proposed project would consist of costs to countywide programs (e.g., the court system), while the remaining 44 percent would be incurred for urban-type services and delivery levels.*

#### COMMENTS

Estimated General Fund expenditures for countywide programs assume that Mountain House residents will utilize mandated programs, such as welfare, jails and the court system, at the same level as current County residents. Because new homebuyers typically demand fewer of these types of services, it should be stated that this is a conservative assumption and actual costs for these services will likely be lower.

D263

#### PROPOSED LANGUAGE

*Conversely, General Fund expenditures are projected to rise from \$1.4 million in 1993 to \$22.0 million by the year 2010 - a 17.6 percent annualized rate of growth. Assuming Mountain House residents utilize mandated County programs at the same level as current County residents, about 56 percent of the General Fund expenditures created by the proposed project would consist of costs to countywide programs (e.g., the court system), while the remaining 44 percent would be incurred for urban-type services and delivery levels. Because new homebuyers typically demand fewer mandated services, such as welfare and social services, this is a conservative assumption and actual costs may be less.*

## SECTION/COMMENTS

### 4.9 FISCAL IMPACTS

PAGE

4.9-16

#### PARAGRAPH 2

#### CURRENT LANGUAGE

*If the proposed project builds out more slowly than anticipated by the applicant, then General Fund deficits could occur during the development process.*

#### COMMENTS

Applicant has agreed that alternative funding mechanisms will be made available to prevent General Fund deficits.

#### PROPOSED LANGUAGE

*If the proposed project builds out more slowly than anticipated by the applicant, alternative funding sources, such as CSD charges, may be necessary to avoid General Fund deficits during the development process.*

D264



## SECTION/COMMENTS

### 4.9 FISCAL IMPACTS

#### **PAGE**

4.9-18

#### **PARAGRAPH 4**

#### CURRENT LANGUAGE

*Even though the Library Fund, the rural fire district, and the road district are projected to receive from New Town development, revenues that exceed costs, these net surpluses are not necessarily available for transfer to the County General Fund. In a post-Proposition 13 fiscal environment, expenditures for these services tend to be revenue-constrained, resulting in service levels that fall below desired delivery standards. The revenue surpluses projected for the library system, for rural fire protection, and for maintenance of County roads should therefore be first applied toward ensuring that service delivery is at an adequate level, and that deferred maintenance/expenditures are satisfied.*

#### COMMENTS

According to the fiscal analysis, the surpluses generated to the road fund, library fund and fire district occur after costs for required urban levels of service have been accounted for. It is, therefore, inappropriate to suggest that these surplus revenues are not indeed surplus.

#### PROPOSED LANGUAGE

As indicated above, surplus revenues to the road fund, fire protection district and library fund are projected in every year of development. These surplus revenues can be used to cover deferred maintenance and expenditures, or may be transferred to the General Fund to benefit other County programs.

D265

SECTION/COMMENTS

4.10    FINANCIAL IMPACTS

Page  
4.10-1

Table  
4.10-1  
Footnote 2

CURRENT LANGUAGE

Footnote 2 references Table 4.14-13

COMMENTS

This appears to be an incorrect reference.

PROPOSED LANGUAGE

We believe the reference should be Table 4.14-16.

D266

## SECTION/COMMENTS

### 4.10 FINANCIAL ANALYSIS

PAGE

4.10-6

PARAGRAPH 1

#### CURRENT LANGUAGE

*Approximately 77 percent of the bond-financed capital costs would be allocated to the residential portion of the proposed project (Table 4.10-3).*

#### COMMENTS

This allocation is based on the author's determination of direct benefit, which is not a requirement of a Mello-Roos Community Facilities District (CFD). If a CFD is used to finance the public improvements, the applicant can insure that special tax burdens remain at a reasonable level for all land uses.

#### PROPOSED LANGUAGE

*If the costs of public improvements are allocated to each land use based on direct benefit, approximately 77 percent of the bond-financed capital costs may be allocated to the residential portion of the proposed project.*

D267

## SECTION/COMMENTS

### 4.10 FINANCIAL ANALYSIS

PAGE

4.10-9

FOOTNOTE #1

### CURRENT LANGUAGE

*Assumes burden is financed with bonds paid off through a special tax, such as assessed through a Community Facilities District. The assumed interest rate is 8.25 percent, with a 25-year term.*

### COMMENTS

Allocation is more appropriately compared to an assessment district, because burden is assigned to land use based on direct benefit, which would most likely not be used as the allocation method for a Mello-Roos Community Facilities District.

### PROPOSED LANGUAGE

The estimated burden is based on a direct benefit allocation of all facility costs. The Mello-Roos Act does not require an allocation based on direct benefit; additional costs can be allocated to nonresidential land uses, thereby reducing the burden on residential land uses.

D268



## SECTION/COMMENTS

### 4.11 POPULATION, HOUSING AND EMPLOYMENT

PAGE  
4.11-3

#### Paragraph 4

#### CURRENT LANGUAGE

....San Joaquin County, representing a ten-year supply of residential land (...) and Vacant land in Tracy, that is currently zoned for residential uses, has sufficient capacity for an additional 13,000 dwelling units.

#### COMMENTS

The following factors should also be noted:

1. The ten year supply is based on historical absorption rates which do not represent future growth rates.
2. The 36,000 approved dwelling units would represent, about 100,000 people. This calculates to be 27% of the projected population growth of 360,000 people estimated in the 2010 General Plan Update. This would represent 5.14 years growth at the average projected County growth rate. According to the report Tracy is supposed to have 16800 units (3800 +13,000) approved for development. Are these units those proposed in Tracy's proposed updating of their General Plan? It should be noted that general plan designations are not approved/entitled zonings and are subject to the same review process as the project. In Tracy's case the 13,000 units appear to be those under consideration for inclusion in their new General Plan that will not be approved until later this year.

The EIR should acknowledge Tracy's current GP update and the total potential number of units that could be General Planned in their area. It should also state that a General Plan designation does not automatically mean that all units so designated will ever be built and if built may not be within the planning period of the controlling agency. Furthermore,

SECTION/COMMENTS

PAGE  
4.11-3

Paragraph 4

COMMENTS    (Cont'd)

dwelling units that are simply proposed and not approved under a General Plan should not be counted as inventory, nor should they be given preference over the projects units of the same status.

PROPOSED LANGUAGE

Delete the part of the current sentence that reads "has sufficient capacity for an additional 13,000 dwelling units" and add "has underway a proposed update of their General Plan that would increase their General Plan dwelling units by an additional 13,000 units."

D269

## SECTION/COMMENTS

### 4.11 POPULATION, HOUSING AND EMPLOYMENT

PAGE

4.11-7

Paragraph 4 - Second Sentence

#### CURRENT LANGUAGE

The project site has no locational advantages compared to competitive business parks situated to the West, in the Tri-Valley, or to the east, in the cities of Tracy and Lathrop.

#### COMMENTS

The above statement is misleading in that it draws the conclusion that the site will not be able to attract its fair share of industry because of its location. The truth is the site is as good as or better than other locations within the area. It furthermore has many other locational and economic features that will be far superior to other locations. The applicant would be pleased to discuss the merits of the project's attractiveness to Industry in conjunction with the County.

D270

#### PROPOSED LANGUAGE

Consider replacing the subject sentence with " The project site is geographically centrally located, as is the nearby communities of the Tri-Valley, Tracy and Lathrop. It should be able to compete favorably with these communities for the middle quality range of businesses.

## SECTION/COMMENTS

### 4.11 POPULATION, HOUSING AND EMPLOYMENT

PAGE

4.11-8

Table

4.11-2

### CURRENT LANGUAGE

See Table 4.11-2.

### COMMENTS

The table compares the projected absorption rates of the proposed project with the EIR consultant's own estimated absorption rate. The EIR consultant's absorption estimates are used throughout the report to analyze the project's viability and traffic impacts. The consultants "Market Constraint" projections are extremely conservative. For example: They project an absorption of only 125 acres of commercial out of a project plan of 275 acres. This is only 45.5%. Commercial includes all Retail, Town Center, Community Commercial, General Commercial, Freeway Commercial and Office Commercial. Specific use analysis indicates that there should be no problems building out three 15 acre neighborhood commercial centers as well as the 27 acre Freeway commercial site within the 17 year buildout period. These total 72 acres. In addition a town of 43,000 most certainly will have several gas stations, small discount stores, furniture stores, appliance stores, hardware stores, movie theater, multiple restaurants, real estate offices, doctor and dentist offices, accountants, lawyers, insurance agents and a large number of small service shops etc. all located in the other commercial areas. Certainly some portions of the downtown will develop. Can all of these routine population oriented uses fit onto 53 acres? Further comments on this issue have been included in the fiscal comment section.

The same type of analysis should be applied to the Industrial zonings. It appears that the report presumes that all of the Industrial zonings will be absorbed by businesses that are not community oriented. Contrary to this and because of the



## SECTION/COMMENTS

PAGE  
4.11-8

Table  
4.11-2

### COMMENTS     (Cont'd)

distance to the nearest community we expect many businesses directly related to the community to locate in the industrial area. Specifically, contractors, auto repair, lumber yards, public storage, boat repair, home repair service companies, swimming pool companies, nurseries, etc. that could easily total half of the allocated Industry acres. It would appear that the projected 51% absorption presumes little or no non-community oriented industrial.

In addition, the 45.5% Commercial absorption and the 51% Industrial absorption do not when combined match the 40% overall figure mentioned on page 4.10-6 in paragraph 4 in the financing section. The 40% figure also appears to have been used in the Transportation section as the basis for determining traffic impacts as mentioned on page 4.14-15, third paragraph. Again the 40% figure is used in the fiscal analysis as mentioned on page 4.9-16, 2nd paragraph and as the basis for the fiscal analysis table 4.9-8 on page 4.9-17.

It appears that the 40% figure may have been derived from the average used for all of the new communities. If this is the case and the housing percents are the consultant's valid projections then all of Mountain House's 40% analysis are conservative by 9%. The applicant realizes that a rerun at the higher number would not be productive at this time, but would suggest that a qualifying statement be footnoted wherever the 40% figure is used.

### PROPOSED LANGUAGE

The 40% build out of industrial/commercial used in the Market Constraint alternatives was selected based on the projected average conditions of the five new communities. It is anticipated that the Mountain House community would do better than the average by 9%, i.e. 49% instead of 40%. The projected allocations are discussed on pages 4.11-7

SECTION/COMMENTS

PAGE  
4.11-8

Table  
4.11-2

PROPOSED LANGUAGE      (Cont'd)

and 4.11-8. Also note Table 4.11-2 on page 4.11-8  
has an addition error under total acres developed.  
The 6100 acres should be 3100 acres.

|  
D271  
└─┘

## SECTION/COMMENTS

### 4.11 POPULATION, HOUSING AND EMPLOYMENT

#### PAGE

4.11-9-10

#### Impact

4.11-1

#### Mitigation Measure

4.11-1

#### CURRENT LANGUAGE

The proposed project is unlikely to attain a balance between jobs and housing, and would exacerbate the imbalance between jobs and housing that currently exists in both the Tracy Planning Area and San Joaquin County.

#### COMMENTS

The report predicts that the project will only capture 49% of a perfect Job/Housing balance and states the ratio at build out would be 1.95 employed resident for every job. The same high ratios are projected for the other new town communities in the 2010 General plan EIR. But the report also predicts that all of the other growth in the County will develop lower ratios on the assumption that the new communities would buildout only 40% of their Industrial/Commercial. The rest of the County's Industrial/Commercial is presumed to 100% buildout. Considering the extremely poor quality of much of this other County land this assumption is questionable. More than likely if the new towns are unlikely to attract business then so would the other areas of the County. Furthermore, the marketplace would never allow the sustaining of a 1.95 ratio unless the community restricts its Industrial/Commercial zoning. With the County's 2010 project rate of 1.31 and the project's at 1.95 it would be hard to believe that some business would not be attracted to the project. Anytime a community has 9000 extra workers it will attract business.

There is no question that in the short term some imbalance will occur. This is actually good for San Joaquin County because the type of worker that will move in is highly employable and will

## SECTION/COMMENTS

### **PAGE**

4.11-9-10

### **Impact**

4.11-1

### **Mitigation Measure**

4.11-1

### COMMENTS      (Cont'd)

significantly raise the average employee skill level. This will in-turn attract even higher skilled labor and jobs as businesses move in to take advantage of an increasing skilled labor market in the County.

If for some reason insufficient jobs are attracted to the valley the more likely prediction would be that housing would also suffer and the balance would adjust. Unbalanced areas tend to create grid lock at the access points and thus automatically restrain additional residential growth by making the commute too time consuming unless mitigated. San Joaquin County is fortunate in that its access points still have commuter capacity and thus additional high skill people can be attracted before road capacities are restricted.

The mitigation measure that calls for a required job/housing balance is not at all practicable nor even desirable. The County must understand the strong economic benefits that the "over the hill" commuter population is bringing to the valley. These computer experts, engineers, electronic workers, financial people and others are worker skills that the valley desperately needs. Short term traffic congestion and other negative impacts may will be offset by the greater need to provide the County with good high paying job opportunities.

D272

### PROPOSED LANGUAGE

Mitigation 4.11-1 The project should annually report to the County all applicable population, housing and job statistics necessary to monitor the community's Job/Housing balance. The community should insure that sufficient Industrial and Commercial zoning is available to allow for a Job/Housing balance. The applicant with the cooperation and support of the County should



SECTION/COMMENTS

PAGE

4.11-9-10

Impact

4.11-1

Mitigation Measure

4.11-1

PROPOSED LANGUAGE (Cont'd)

initiate at the specific plan level a strong marketing program to attract quality jobs to the community. The applicant should strongly support any County wide programs to attract jobs to the County. The project should participate and support any County programs to mitigate the impacts resulting from any Job/Housing imbalance that may occur.

D272

#### 4.11 POPULATION, HOUSING AND EMPLOYMENT

##### PAGE

4.11-11

##### Mitigation Measure

4.11-1

##### CURRENT LANGUAGE

##### COMMENTS

It is unclear what this mitigation would involve. If it only requires a best efforts program to keep employment growing at the same pace as housing, it may be acceptable. But, it seems to anticipate a program that would prevent residential growth if employment growth did not keep pace. Such an inflexible requirement would make it difficult or impossible to plan for growth.

The design of the community contributes to a job/housing balance by providing enough well-situated land for employment equal to the number of employed residents expected within Mountain House at buildout. If Trimark's projections of full buildout of employment by 2010 are met, the potential impact (significant jobs/housing imbalance) will not occur and thus the proposed mitigation would, at the very least, be an unnecessary administrative burden. Even if there is imbalance the proposed mitigation measure would be impractical. While an overall balance is projected to be reached by build-out, it should be recognized that both housing and employment will grow unevenly throughout the period, with some periods when housing grows faster than employment, and vice versa. Second, the project needs a degree of predictability (subject only to market variations) in residential growth in order to assure the efficient and financially feasible development of infrastructure. These plans could be disrupted, if planned residential growth was artificially and unpredictably limited due to a slower pace of employment growth.

The DEIR's characterization of jobs/housing imbalance, is questionable, as an important impact. Rather, such an imbalance, should it develop despite the project's land use plan and projected pace of

PAGE  
4.11-11

Mitigation Measure  
4.11-1

COMMENTS    (Cont'd)

employment growth, is not an important impact in itself, but is merely a factor which influences other impacts. In this case, the only significant effects of a slower-than-expected employment growth would be on the community's fiscal balance and on its traffic generation, due to increased out-commuting.

Regarding fiscal balance, the DEIR figures (Section 4.10), as modified using more complete and realistic assumptions (see comments on Section 4.10), show that the community would remain in fiscal balance even if the lower employment build-out figures are used. With respect to transportation impacts, the mitigation measures would assure that whatever combination of housing and employment growth, the required transportation mitigations would be implemented in phases to off-set the impacts.

D273

PROPOSED LANGUAGE

A program should be formulated which monitors both the level of residential development and level of employment within the community. If employment growth lags significantly beyond the level of residential growth, this information should be factored into the community's fiscal plan and into the timing and nature of required transportation and other mitigation measures for future phases of the Project.

## SECTION/COMMENTS

### 4.11 POPULATION, HOUSING AND EMPLOYMENT

#### PAGE

4.11-12

#### Mitigation Measure

4.11-2

#### CURRENT LANGUAGE

"Each phase of the development should be required to include a sufficient quantity of housing that is affordable to workers employed in the community. The necessary quantity and price ranges of this housing should be determined prior to the approval of each phase of development . . . ."

#### COMMENTS

Trimark supports the goal of affordable housing in the community for all employed there. The project plan supports housing affordability by inclusion of a large percentage of higher density, multi-family housing which would be much less expensive than the traditional large lot, single-family-detached suburban pattern. The plan also avoids the necessity for undue impact fee burdens on new housing which would reduce affordability.

D274

However, the DEIR should recognize the difficulty and infeasibility of imposing the entire burden for providing affordable housing on the project applicants and individual home builders. The difficulty of affordable housing, including owner-occupied housing for the middle income and even rental housing affordable to lower income residents, is acute and is a societal problem. Mandating a substantial number or percentage of housing units at particular pre-set prices may be economically infeasible without some form of public assistance and/or subsidy. This is particularly true given the high degree of mitigation requirements the DEIR authors believe should be required, each of which incrementally raises the cost at which housing units can be provided.

Finally, the DEIR should not attempt to resolve an issue of this complexity in the context of a single project. We understand that the County is currently developing an affordable housing plan. That process provides a more appropriate method of addressing



SECTION/COMMENTS

PAGE

4.11-12

Mitigation Measure

4.11-2

COMMENTS (Cont'd)

this issue.

PROPOSED LANGUAGE

The project should be required to comply with the affordable housing plan currently being developed in conjunction with the General Plan 2010 process. Prior to approval of any Specific Plan, the sponsor should submit an affordable housing plan, consistent with the County's plan, detailing how it will maximize the opportunity for affordable housing for all projected residents.

D274

## SECTION/COMMENTS

### 4.11 POPULATION, HOUSING AND EMPLOYMENT

#### PAGE

4.11-12/13

#### Table

4.11-7

#### CURRENT LANGUAGE

The discussion and table data concluded that the project will be lacking in affordable rental housing. The basis of comparison is the Stockton SMSA, 1990.

#### COMMENTS

Stockton is an older community with considerable older housing and a large population of low income people and a large amount of low paying jobs. It is unlikely that the project will develop demographics equivalent to the city of Stockton. Tracy would be a much better comparison. Using Tracy data would probalbly increase the average income levels.

Previous comments discussed the various means of providing affordable housing by land use zoning and market over supplying. Land use is the most effective way to provide rental housing as the biggest problem in building such housing is getting zoning approval over the objections of the neighborhood. Over supplying of rental lands have less of an effect. Such housing is built on very low profit margins and too much competition scares builders away. Over allocating rental land also tends to scare away the home buying who doesn't want to live in a low income community of rental units. The marketplace is also very sensitive. The projects preference is to make a very strong effort to build very low price units for sale to encourage the concept of home ownership.

The proposed land use plan does not identify separately any special purpose affordable land uses. This was done intentionally as it would require too much detail planning for a General Plan application. They are, however, planned for the community and will be included at the Specific Plan level.

SECTION/COMMENTS

PAGE

4.11-12/13

Table

4.11-7

PROPOSED LANGUAGE (Cont'd)

Mitigation Measure

4.11-3

Consider adding "Addition mitigations should include the items listed under the proposed mitigation 4.11-2."

D275

## SECTION/COMMENTS

### 4.11 POPULATION, HOUSING AND EMPLOYMENT

#### PAGE

4.11-13

#### Impact

4.11-4

#### CURRENT LANGUAGE

The proposed project would capture demand for some residential and non-residential land uses that would otherwise go to the City of Tracy.

#### COMMENTS

Trimark disagrees with the conclusion that capturing demand for residential and non-residential land uses which otherwise would have gone to Tracy is an important environmental impact, per se. First, the conclusion seems to imply that, if it occurs, the impact of limiting growth of Tracy necessarily would be negative. In fact, all the areas identified have been experiencing rapid growth in recent years, and a slowing of growth could equally well be considered a positive, rather than a negative impact of the Mountain House project.

The discussion in the DEIR contains nothing to support the conclusion that the project's growth will have a negative impact on Tracy. First, under the so-called worst case scenario, Tracy still would grow by about 75% by the year 2010, hardly a non-growth scenario. There is no evidence that this lower level of growth would have a negative impact on Tracy. Furthermore, as the DEIR also notes, the Mountain House project, rather than just competing with Tracy for a given population increase, could actually attract more households into the Tracy Planning Area. Thus, there is no information to support a conclusion that any reduction on Tracy's growth would be an important impact.

Increased competition on an existing business or businesses is not considered an impact under CEQA unless it leads to actual physical deterioration of a structure or structures. Competition for growth should also not be considered a CEQA impact, unless



SECTION/COMMENTS

PAGE  
4.11-13

Impact  
4.11-4

COMMENTS      (Cont'd)

it results in some other tangible environmental impact, which is not true in this case.  
Identify impact 4.11-4 as less than significant.

PROPOSED LANGUAGE

Impact - Add the following sentences : Loss of growth by the City of Tracy could have both positive and adverse impacts. Adverse impacts may occur if Tracy fails to adjust their growth planning in response to changes in market conditions. Lessor impacts may be caused by project residences using Tracy's public facilities in detrimental amounts.

Mitigation - Replace the existing sentence with: The project and Tracy should cooperate in suppling each other with the statistics of growth, land use planning and infrastructure plans so that each may effectively plan their growth. This item is considered a less than significant impact.

D276

## SECTION/COMMENTS

### 4.12 PUBLIC HEALTH AND SAFETY

#### PAGE

4.12-4

#### Paragraph

3 Electrical Overhead Transmission Lines

#### CURRENT LANGUAGE

*Two electrical overhead transmission lines traverse the project site (Figure 4.12-1). The Weber-Herdlyn 60 kilovolts (kV) transmission line, with a 30-foot wide easement, runs northwest to southeast across the northern portion of the project parallel to Old River. The Rio Oso-Tesla 230 kV transmission line with a 75-foot wide easement runs southwest to northeast across the southeast portion of the project site and the site's northeast corner. A proposed Rancho Seco-Tesla 500 kV overhead transmission line would be located adjacent to the Rio Oso-Tesla line, if constructed (see Gas and Electricity Section 4.4.4), and would be located within a proposed 200-foot wide easement.*

#### COMMENTS

Based upon our discussions with PG&E, the Rancho Seco Power Plant in Sacramento County has been abandoned and the proposed Rancho Seco-Tesla 500 kV overhead transmission line project has been canceled. All right-of-way acquisition has stopped, and PG&E will consider relinquishing back the right-of-way already acquired to the property owners upon request. The width of the right-of-way they were acquiring was 192.5 feet. The current language should be changed to reflect the above information.

PROPOSED LANGUAGE - NONE

D277

SECTION/COMMENTS

4.12 PUBLIC HEALTH AND SAFETY

PAGE

4.12-7

Figure

4.12-2 Strengths of Magnetic Fields

COMMENTS

If, as our discussions with PG&E indicate, the proposed PG&E Rancho Seco-Tesla 500 kV overhead transmission line has been canceled, any references to a 500 kV transmission line in Figure 4.12.-2 should be removed, and that information pertinent to a 230 kV transmission line (which exists crossing the project) should be substituted.

D278

PROPOSED LANGUAGE - NONE

SECTION/COMMENTS

4.12 PUBLIC HEALTH AND SAFETY

PAGE

4.12-10

Mitigation Measure

4.12-1(c)

CURRENT LANGUAGE - NONE

COMMENTS/PROPOSED LANGUAGE

Clarify, any necessary remediation should be phased to coordinate with construction on or near contamination site.

Shouldn't be required to remediate entire site before Phase I construction.

Add to laundry list of remediation - "or otherwise preventing human or environmental exposure."

D279



SECTION/COMMENTS

4.12 PUBLIC HEALTH AND SAFETY

PAGE

4.12-10

Mitigation Measure

4.12-2(f)

CURRENT LANGUAGE

To reduce the potentially adverse effects of aerial pesticide spraying ... a 1000 foot wide buffer should be established.

COMMENTS

Please see comments to Section 4.1, above.

PROPOSED LANGUAGE

To mitigate the potentially adverse effects of pesticide spraying, incorporate the setbacks and other mitigations set forth in mitigation 4.1-2 [as revised].

D280

## SECTION/COMMENTS

### 4.12 PUBLIC HEALTH AND SAFETY

PAGE

4.12-11

Mitigation Measure

4.12-4

#### CURRENT LANGUAGE

*The area within a 200-foot radius of each of the five abandoned natural gas well heads within the project site (Figure 4.12-1) should be investigated by a qualified professional to determine if the drilling muds are present and, if so, whether concentrations of heavy metals and oil-based compounds are present at concentrations that may affect public and environmental health. If the muds contain concentrations of chemicals above regulatory action levels, the drilling muds and any adjacent affected soils should be removed and/or remediated in accordance with regulatory requirements. The investigation should occur prior to development of the Specific Plan. Removal and/or remediation of contaminated soils should occur prior to project construction in the vicinity of the well heads.*

#### COMMENTS

Prior to construction near any of the five abandoned natural gas wells, an assessment should be made as to the potential hazard that suspected pollutants that may be existing within a 200-foot radius of the well could have on the health and safety of construction workers. If it is determined that a potential hazard exists, then the area within a 200-foot radius of the abandoned natural gas well head should be investigated by a qualified professional to determine if the drilling muds are present and, if so, whether concentrations of heavy metals and oil-based compounds are present at concentrations that may affect public and environmental health. If the muds contain concentrations of chemicals above regulatory action levels, the drilling muds and any adjacent affected soils should be removed and/or remediated in accordance with regulatory requirements. However, it may become apparent that if a particular well is sufficiently distant from the proposed construction activity that an investigation is not warranted.

(Cont'd.)

Revised 1/20/92

PAGE  
4.12-11

Mitigation Measure  
4.12-4 (Continued)

PROPOSED LANGUAGE

Prior to construction within the area circumscribed by a 200-foot radius from each of the five abandoned natural gas well heads within the project site (Figure 4.12-1), the specified area should be investigated by a qualified professional to determine if the drilling muds are present and, if so, whether concentrations of heavy metals and oil-based compounds are present at concentrations that may affect public and environmental health. If the muds contain concentrations of chemicals above regulatory action levels, the drilling muds and any adjacent affected soils should be removed and/or remediated in accordance with regulatory requirements. Removal and/or remediation of contaminated soils should occur prior to project construction in the vicinity of the well heads.

D281

SECTION/COMMENTS

4.12 PUBLIC HEALTH AND SAFETY

PAGE

4.12-11

Mitigation Measure

4.12-3(b)

CURRENT LANGUAGE - NONE

COMMENTS

Clarify, should only be required to abandon wells prior to actual construction in the vicinity of well. Should not be required to abandon all wells on-site before project construction begins.

PROPOSED LANGUAGE - NONE

D282



## SECTION/COMMENTS

### 4.12 PUBLIC HEALTH AND SAFETY

#### **PAGE**

4.15-12

#### **Mitigation Measure**

4.15-2(b)

#### CURRENT LANGUAGE

Residential uses should be provided with a minimum 500 foot buffer zone between industrial uses and the wastewater plant

#### COMMENTS

There is no particular policy or factual basis cited for a minimum 500 foot buffer. The entire project site is upwind of the wastewater plant site, which mitigates potential odor impacts. A 500 foot buffer around industrial uses is too broad. Any such buffering requirement should not apply to light industrial uses. Moreover a decision on buffers for even general industrial uses should be deferred until construction, when there is a better idea of the nature of a particular industrial use and its likely impacts.

Exhibit A illustrates how a slight rearrangement of the land use plan would mitigate potential industrial/residential conflicts, as well as separate the wastewater.

#### PROPOSED LANGUAGE - NONE

D283

## SECTION/COMMENTS

### 4.13 BIOLOGICAL RESOURCES

PAGE

4.13-1

Paragraph 2

#### CURRENT LANGUAGE

The introduction of stock grazing to the area in the 1800's, followed by the introduction of irrigation and year-round farming in the 1900's, changed the plant and animal communities. Today, approximately 92 percent (4,270 acres) of the project site supports agricultural crops and pasture, and a major portion of the remaining seven percent has been invaded by introduced plant species to the extent that they now comprise nearly the entire non-irrigated grassland component. This rapid conversion from native to non-native (agricultural) plant communities has been accompanied by the loss of many wildlife species. However, the agricultural conversion has not been detrimental to all species. A select group of agriculturally-compatible species continue to persist, if not flourish, in this area of San Joaquin County. Among these agriculturally-compatible species are several sensitive and/or fully protected species for which the project site provides critical habitat.

D284

#### COMMENTS

This paragraph makes reference to the site providing critical habitat for sensitive or fully protected wildlife species. The term critical habitat has a specific meaning in the federal Endangered Species Act. No portion of the project site has been designated "critical habitat" by the Secretary of the Interior. We recommend that the word "critical" be deleted from the text.

#### PROPOSED LANGUAGE

The introduction of stock grazing to the area in the 1800's, followed by the introduction of irrigation and year-round farming in the 1900's, changed the plant and animal communities. Today,

SECTION/COMMENTS

PAGE  
4.13-1

Paragraph 2

PROPOSED LANGUAGE      (Cont'd)

approximately 92 percent (4,270 acres) of the project site supports agricultural crops and pasture, and a major portion of the remaining seven percent has been invaded by introduced plant species to the extent that they now comprise nearly the entire non-irrigated grassland component. This rapid conversion from native to non-native (agricultural) plant communities has been accompanied by the loss of many wildlife species. However, the agricultural conversion has not been detrimental to all species. A select group of agriculturally-compatible species continue to persist, if not flourish, in this area of San Joaquin County. Among these agriculturally-compatible species are several sensitive and/or fully protected species for which the project site provides habitat.

D284

SECTION/COMMENTS

4.13    BIOLOGICAL RESOURCES

PAGE  
4.13-2

Figure  
4.13-1

CURRENT LANGUAGE

See figure 4.13-1

COMMENTS

On-Site Crops, June 1991 and Wetlands - The text makes reference to the presence of an alkali sink community on the project site but this potential wetland community is not shown on this figure. The text also describes a valley grassland community, the location of which is also not shown on this figure.

PROPOSED LANGUAGE

The location of the alkali sink and valley grassland should be added to this figure.

D285



SECTION/COMMENTS

4.13    BIOLOGICAL RESOURCES

PAGE

4.13-9

Paragraph 2

CURRENT LANGUAGE - NONE

COMMENTS

Mudflat lilaeopsis - This paragraph notes the presence of this species on the project site.

PROPOSED LANGUAGE

The location of the observation should be shown on Figure 4.13-6.

D286

## SECTION/COMMENTS

### 4.13 BIOLOGICAL RESOURCES

#### PAGE

4.13-11 to 17

#### Paragraph 3

CURRENT LANGUAGE - NONE

#### COMMENTS

This section of the DEIR addresses the possible presence of the San Joaquin kit fox, a state (threatened) and federally (endangered) listed species on the project site. This discussion focuses on the on-site surveys which were undertaken, the results of the surveys, and the consultant's opinion regarding kit fox use of the project site. The DEIR does not include a description of the U.S. Fish and Wildlife (USFWS) role where kit fox habitat or kit fox are present on a site. We believe a description of the consultation process required by the Endangered Species Act should be included. This discussion should also include a description of the Service compensation policies for impacts to kit fox. The Service is a key player in any resolution of kit fox issues and a description of their role in this process must be included.

San Joaquin County has undertaken the preparation of a Habitat Conservation Plan (HCP) for the kit fox in western San Joaquin County. The northern limits of the study area is the junction of Interstates 205 and 580. While the project site is not included within the plan area boundaries, the DEIR should report on the status of this effort and the relationship of the project site to it.

The DEIR alludes to the issue of kit fox habitat quality and habitat use. It should specifically address the suitability of the various agricultural uses of the property for kit fox. The issue of habitat suitability and use is a factor considered by USFWS in determining compensation and as such would influence suggested mitigation measures in this report. The DEIR contains a mitigation

D287

SECTION/COMMENTS

PAGE

4.13-11 to 17

Paragraph 3

COMMENTS

(Cont'd)

measure for loss of wildlife habitat but does not specifically state this is for loss of kit fox habitat, and there is no way to determine if this proposal is consistent with USFWS criteria.

PROPOSED LANGUAGE

The report should include discussion of the subjects mentioned in the above comments.

D287

SECTION/COMMENTS

4.13    BIOLOGICAL RESOURCES

PAGE

4.13-11

Paragraph 4

CURRENT LANGUAGE - NONE

COMMENTS

Kit Fox Scat. This paragraph references the collection of small fox scat for laboratory analysis to determine if it was kit fox. The results of the laboratory analysis are not presented. This information should be included or the references to scat collection deleted.

PROPOSED LANGUAGE - NONE

D288



## SECTION/COMMENTS

### 4.13 BIOLOGICAL RESOURCES

#### PAGE

4.13-14

Paragraph 6

#### PAGE

4.13-15

Paragraph 1

CURRENT LANGUAGE - NONE

#### COMMENTS

Landowner Fox Observations - These pages make reference to possible landowner sightings of fox on or in the vicinity of the Mountain House site, stating they had a "high probability" of being kit fox. Given that red fox and coyote are present on and in the vicinity of the project site, it is possible that these sightings may have been of red fox or young coyotes. It would be more correct to say that these sightings were possibly of kit fox.

#### PROPOSED LANGUAGE

Seven of the 14 landowners who returned their questionnaires reported seeing foxes on or near their property. Follow-up telephone and/or personal interviews revealed four sightings which had a possibility of being those of the kit fox. Two of the reports were from residents who live just off the project site adjacent to its southeast corner (Hurley, Bianchi, Burick, 1991). The other two were from persons who own summer homes along Old River just west of the northwest corner of the site (Edwards and Frudden, 1991). Both of these latter sightings were made during the last week of June 1991 (Figure 4.13-6). Frudden observed a small fox with exceptionally big ears and a buff-colored coat. The fox was seen on the Old River levee, and observed from the window of her summer home on a island in the Old River channel. The observation was compared with a photograph of a kit fox shortly after the sighting and a follow-up visit confirmed that the sighting conformed to the photo (Frudden, 1991).

D289

## SECTION/COMMENTS

### 4.13 BIOLOGICAL RESOURCES

PAGE

4.13-15

PAGE

4.13-16

Paragraph 2 and 3

Figure

4.13-8

CURRENT LANGUAGE - NONE

### COMMENTS

Off-site kit fox observations. The information presented is not adequately documented to make it useful in the analysis. No supporting information is presented to determine who made the sightings or what they saw. In at least two instances sightings are shown on the map to have been made in areas unlikely to support kit fox. A sighting is shown within the developed portion of the Blackhawk project and a second is shown in the Rock City area of Mt. Diablo State Park, an area of unsuitable kit fox habitat.

D290

### PROPOSED LANGUAGE

The sighting information presented in Figure 4.13-8 should be verified and if found to be accurate presented in the text with references to indicate the source and their results. Unconfirmed sightings should be deleted. The text should be revised accordingly.

## SECTION/COMMENTS

### 4.13 BIOLOGICAL RESOURCES

PAGE

4.13-17

Paragraph 6

#### CURRENT LANGUAGE

A total of 43 Swainson's hawks were observed during the survey of which ten were in pairs (Figure 4.13-6). Because the survey method entailed moving rapidly to observe adjacent areas once a Swainson's hawk was sighted, it is unlikely that any bird was counted twice on any one day. The largest positive single-day count was eight, which occurred during high wind conditions when all of the individual Swainson's hawks were essentially lined up in aerial perch sites along the edge of the Old River levee.

#### COMMENTS

D291

Swainson's Hawk Sightings - The first sentence of this paragraph states that 43 Swainson's hawks were observed. The following paragraph states the largest single-day high count was eight. It appears the first sentence of paragraph 6 is referring to the total number of observations of Swainson's hawks, not the total number of hawks. This should be clarified. Due to the large number of observations, a table presenting observations by date and location would be helpful in understanding this data.

#### PROPOSED LANGUAGE

A total of 43 observations of Swainson hawks were observed during the survey over \_\_\_#\_\_\_ days of the survey. Ten hawks in pairs where observed over \_\_\_#\_\_\_ days. (Figure 4.13-6).

## SECTION/COMMENTS

### 4.13 BIOLOGICAL RESOURCES

#### PAGE

4.13-17 to 21

#### CURRENT LANGUAGE - NONE

#### COMMENT

This section of the DEIR reports on the observation of Swainson's hawks, a state listed threatened species, on the property. As with the kit fox, the report describes the observations of the consulting biologists and their conclusions regarding Swainson's hawk use of the property. The DEIR does not include a description of the Department of Fish and Game's (GFD) Mitigation Guidelines for Swainson's hawks (*Buteo swainsoni*) in the Central Valley of California. These guidelines are referenced in a footnote in the mitigation measures and a map of recent nest territories is included here but their implications to the project are not fully described.

The City of Stockton, in association with the City of Tracy, San Joaquin County; and other interested parties have been participating in a Technical Advisory Committee to discuss the establishment of a "Wildlife Habitat and Open Space Conservation Plan" for the County. This group was formerly known as the Swainson's Hawk Habitat Conservation Plan TAC and was focused in the City of Stockton. The principal species of concern to this group has been and is the Swainson's hawk.

#### PROPOSED LANGUAGE

The EIR should address the implications of DFG's Swainson's Hawk Mitigation Guidelines in the Setting or Impacts section of the EIR to understand the basis of the suggested mitigation. The status of the Technical Advisory Committee's work and how it has treated the Mountain House property should be reported on in the EIR as any agreements/proposals made by this group may be relevant to the Mountain House project.

D292



## SECTION/COMMENTS

### 4.14 BIOLOGICAL RESOURCES

#### PAGE

4.13-27

#### Figure

4.13-11

CURRENT LANGUAGE - NONE

#### COMMENTS

Nesting Swainson's Hawk - The information presented in this figure for on-site and off-site observations is not consistent. The legend for this figure indicates each star is for a nesting pair and nest. The off-site observations are Swainson's hawk territories observed by Jones and Stokes biologists in 1990. The on-site observations appear to be the locations where the single pair of Swainson's hawk seen on the site were observed (although this is not specified) and do not represent different pairs of birds as the text does not make reference to other observed pairs on the site. No nests were found on the project site. This figure should be revised to differentiate between the on-and off-site observations and their difference reflected in the legend.

#### PROPOSED LANGUAGE

This figure should be revised to differentiate between the on-and off-site observations and their differences reflected in the legend.

D293

## SECTION/COMMENTS

### 4.13 BIOLOGICAL RESOURCES

#### PAGE

4.13-28

#### Mitigation Measure

4.13-1(e)

#### CURRENT LANGUAGE

To confirm the presence of the San Joaquin kit fox, additional surveys should be undertaken during the first half of 1992 when the kit fox pups are active outside of the den. This survey should be conducted prior to approval of the Specific Plan.

#### COMMENTS

This measure should be expanded to ensure USFWS and DFG input on the proposed survey methods.

#### PROPOSED LANGUAGE

To confirm the presence of the San Joaquin kit fox, additional surveys should be undertaken during the first half of 1992 when the kit fox pups are active outside of the den. This survey should be conducted prior to approval of the Specific Plan. Survey methodology should be approved by the USFWS and DFG.

D294

## SECTION/COMMENTS

### 4.13 BIOLOGICAL RESOURCES

#### PAGE

4.13-28

#### Mitigation Measure

4.13-1(f)

#### CURRENT LANGUAGE

Alternative. In lieu of settings aside acreage on-site as described in 4.13-1(a) above, off-site mitigation could be considered, providing the new site meets the following criteria: 1) represents a wildlife corridor connecting the Byron-Marsh Creek area with the west Tracy area and containing alfalfa, irrigated pasture, and alkali sink in similar proportions to the project site; 2) abuts river/riparian zone; 3) contains feeding perches; 4) has roosting and nesting sites nearby; and 5) is undisturbed by noisy human activities. This area would be subject to the management and enhancement plan described above, but tailored to fit the specifics of the chosen site.

#### COMMENTS

The possibility of off-site mitigation is an important alternative that needs to be available. This measure as written is unduly restrictive in determining a suitable location due to the many criteria which are listed for selecting the site, particularly the requirement that it connect the Byron-Marsh Creek area with West Tracy and be adjacent to a river/riparian zone. It may not be desirable to provide mitigation in this area. It appears the criteria listed are attempting to provide mitigation for impacts to Swainson's hawks and kit fox in one location. The criteria for off-site mitigations should reflect the somewhat different habitat requirements and value for the kit fox and Swainson's hawk, and recognize that if off-site mitigation is appropriate, it may be neither necessary nor desirable to mitigate for both species on the same site.

The Department of Fish and Game and U.S. Fish and Wildlife Service have been encouraging mitigation areas for kit fox be established where larger preserves in high value habitat with interconnecting

## SECTION/COMMENTS

PAGE  
4.13-28

Mitigation Measure  
4.13-1(f)

### COMMENTS      (Cont'd)

corridors can be created. The most recent example in San Joaquin County occurred in September 1991 where an industrial development in West Tracy was required to set aside kit fox habitat in the grasslands west of Interstate 580. The project site due to its location at the boundary of the kit fox range could be asked to provide similar mitigation. As no consultations have occurred with the resource agencies regarding the proposed project the need for flexibility in the language of this mitigation measure is apparent.

Mitigation requirements for the Swainson's hawk have followed a similar approach. Discussions within San Joaquin County have focused on establishing Habitat Conservation Areas (HCA) in high value Swainson's hawk habitat. Habitat compensation fees would be collected from development in areas with suitable hawk habitat located outside of an HCA for purchase of habitat within an HCA. The process of establishing such a plan for the Swainson's hawk in San Joaquin County is currently under discussion. Site specific mitigation for the Swainson's hawk will require consultation with DFG to ensure it fits with the overall County approach and this mitigation measure should reflect this.

Off site mitigation locations should be selected in consultation with the USFWS and DFG and the criteria for site selection be determined through this process. We recommend that this mitigation measure be revised as follows:

### PROPOSED LANGUAGE

Alternative. In lieu of setting aside acreage on-site as described in 4.13-1(a) above, off-site mitigation could be considered, providing the new site(s) is subject to the approval of the U.S. Fish and Wildlife Service (kit fox) and the California Department of Fish and Game (kit fox and Swainson's hawk) and meets the following criteria:



SECTION/COMMENTS

PAGE  
4.13-28

Mitigation Measure  
4.13-1(f)

PROPOSED LANGUAGE (Cont'd)

Kit Fox

The mitigation site is located in the northern portion of the range of the kit fox, is in an area known to be occupied by kit fox and the proposed mitigation site is suitable kit fox habitat.

Swainson's Hawk

The mitigation site is located within the area occupied by the Delta population of Swainson's hawk and is currently or has the potential to become Swainson's hawk foraging habitat. The land will be developed as foraging habitat in accordance with a management plan approved by the Department of Fish and Game.

D295

## SECTION/COMMENTS

### 4.13 BIOLOGICAL RESOURCES

#### PAGE

4.13-29

#### Mitigation Measure

4.13-2(a)

#### CURRENT LANGUAGE

A wildlife corridor should be developed and maintained along the entire length of Mountain House Creek through the project site. The width of the corridor should be a minimum of 100 feet on each side of the creek measured from the upper edge of the bank. The creek bed should be cleaned of silt and enhanced through the construction of occasional pool areas. The buffer zone should be planted with riparian vegetation, including native riparian trees such as Fremont cottonwood, sycamore, and willow.

#### COMMENTS

This mitigation if implemented as stated would result in an almost 300-foot wide corridor when the stream channel from top of bank is included. A corridor of this width is overly sufficient for wildlife species tolerant of development and which use heavily vegetated areas to move through. The majority of these species are nocturnal. Including areas of turf and other facilities such as picnic tables for daytime use by residents would not significantly diminish the value of the corridor if this use did not cover more than 50% of the area above the top of bank, was a day use area, and fencing did not prevent wildlife use at night. Sufficient cover would be available for daytime concealment and these open areas would be used by wildlife at night. We recommend that this mitigation measure be replaced with the following:

D296

#### PROPOSED LANGUAGE

Mountain House Creek open space through the project site shall be designed and managed to facilitate wildlife movement. A minimum of 100 feet of open space on each side of the creek should be provided from the center line. The area within the banks shall remain free of any park use, while the area

SECTION/COMMENTS

PAGE

4.13-29

Mitigation Measure

4.13-2(a)

PROPOSED LANGUAGE

(Cont'd)

beyond the top of the banks could be designed to include a combination of park use and more heavily vegetated areas intended primarily for wildlife use and concealment. The vegetation within the 200-foot open space corridor should be planned to contribute to wildlife use through inclusion of a substantial amount of native riparian vegetation, in addition to turfed areas for park use.

D296

SECTION/COMMENTS

4.13    BIOLOGICAL RESOURCES

PAGE

4.13-29

Mitigation Measure

4.13-2(b)

CURRENT LANGUAGE

Hiking and bike paths for this area should be placed on the outer edge of the riparian zone, and human access into the zone should be discouraged through the use of unobtrusive fencing and informative signs.

D297

COMMENTS

Consistent with the proposed revision to mitigation measures 4.13-2(a), we recommend the following change to this measure.

PROPOSED LANGUAGE

Hiking and bike paths for this area should be placed away from the central creek area in a manner to minimize impacts on wildlife. Human access into the wildlife area should be discouraged through the use of unobtrusive fencing and informative signs.



SECTION/COMMENTS

4.13    BIOLOGICAL RESOURCES

PAGE

4.13-30/31

Impact

4.13-4

CURRENT LANGUAGE - NONE

COMMENTS

The Hydrology and Water Quality section of the DEIR contains a discussion about the possibility of the state installing a flow control structure or "tidegate" on Old River adjacent to the project site (pages 4.7-1 and 4.7-2). This structure could significantly alter existing conditions. If the water control structure was installed, how would it change the impact discussion presented here and would the proposed mitigation measures still be recommended? We should review this portion of the DEIR and supplement this analysis as necessary.

PROPOSED LANGUAGE - NONE

D298

## SECTION/COMMENTS

### 4.14 TRANSPORTATION

PAGE

4.14-17

Table

4.14-3

#### CURRENT LANGUAGE

Table 3 indicates that a rate of 10.1 daily vehicle trips was applied to the project's medium density (R/M) housing units.

#### COMMENTS

A rate of 10 trips per day is suitable for standard, low-density single family dwelling units. This widely accepted rate has been established over time from many studies of traditional single family housing on large lots. The standard reference on this issue, the Institute of Transportation Engineer's Trip Generation, notes that the average density of housing surveyed in development of this rate is 3.5 dwelling units per acre. However, the density of the proposed R/M units is 8 dwelling units per acre, more than twice the density of the typical housing upon which the trip rate is based. The higher density of the proposed R/M housing is closer to that of "low rise apartments", which the ITE reports as having an average trip generation rate of 6.6 daily trips per unit.

Furthermore, the ITE Trip Generation manual notes that several characteristics can influence the actual trip rate. Homes that are smaller in size, less expensive, and/or closer to central business districts than the average will have trips rates lower than the average as well. The Mountain House plan for the R/M districts meets all three of these criteria: Homes will be smaller, less expensive, and closer to shopping and employment opportunities than the average, low density single family suburban home upon which the average trip rates are based.

#### PROPOSED LANGUAGE

Because of the higher average density of the R/M

SECTION/COMMENTS

PAGE  
4.14-17

Table  
4.14-3

PROPOSED LANGUAGE      (Cont'd)

housing, a trip rate lower than the standard 10 trips per day should be applied. A rate of 6.6 trips per day applied to the R/M housing would result in about 6,000 fewer trips per day than the Draft EIR estimates.

ID299

## SECTION/COMMENTS

### 4.14 TRANSPORTATION

PAGE  
4.14-18

Impact  
14.1-1

#### CURRENT LANGUAGE

With either project scenario, the added trips would contribute significantly to projected traffic growth, increases in vehicle miles travelled, and LOS deficiencies on the road system, particularly in the vicinity of the site. Some of these impacts would be unavoidable and significant.

#### COMMENTS

This statement is misleading, as the project would have a less than significant impact on many of the roadway segments analyzed in the report. The Draft EIR does not clearly explain that almost all of the projected traffic increase will occur whether or not the Mountain House project is built.

The expected growth in volumes on major routes by the year 2010 is significant with or without the project. A comparison of Tables 14.4-13a and 14.4-13c reveals that daily traffic volumes in 2010 will be higher on some segments without the project than with, for example, I-580 south of Patterson Pass Road, I-205 west of Patterson Pass Road, and I-5 south of Route 120.

Volumes on other important freeway segments in the study area will increase only slightly if the proposed project is built. As an example, Tables 4.14-13a and 13c (pages 4.14-35 to 40) reveal that traffic on I-580 over the Altamont Pass will increase by 86% between 1990 and 2010 without the project. The addition of project traffic results in a further increase of only 2 to 3%. Of all the traffic growth on I-580 over Altamont Pass between 1990 and 2010, the Mountain House project would contribute 5%; the remaining 95% will be generated by other development in San Joaquin County and elsewhere.

These type of factual comparisons cannot be easily



## SECTION/COMMENTS

PAGE  
4.14-18

Impact  
14.1-1

### COMMENTS (Cont'd)

made, because the Draft EIR does not provide future traffic volumes with and without the project on a side-by-side basis. Furthermore, most of these impacts can be mitigated by road and transit improvements. Those specific impacts that are not mitigatable and are unavoidable and significant should be analyzed and noted separately. How else can decisions be properly made.

D300

### PROPOSED LANGUAGE

With either project scenario, the added trips would contribute significantly to projected traffic growth, increases in vehicle miles travelled, and LOS deficiencies on the road system, particularly in the vicinity of the site if adequate expansion of transportation improvements are not made.

Also add new impact for specific transportation problems that are felt to be significant, unavoidable and unmitigatable.

## SECTION/COMMENTS

### 4.14 TRANSPORTATION

#### PAGE

4.14-35

#### Tables

4.14-13a, b and c

#### CURRENT LANGUAGE

Table 13a calculates the V/C ratio for one direction of freeway traffic only.

#### COMMENTS

Under current (1990) conditions, traffic on I-580 and I-205 is directionally unbalanced, and thus it may be reasonable to focus only on the peak-direction V/C and level of service. However, in the future, traffic volumes will become more balanced. Developments like Mountain House will attract workers in a reverse commute pattern from the Bay Area. They will also generate work trips that travel towards the Central Valley, in the opposite direction of the existing, traditional commute pattern. These trips require no additional freeway capacity. It makes sense to look at the overall freeway level of service, rather than only one direction. This is particularly true on certain important freeway segments where the Mountain House project would actually result in lower traffic volumes than the "no project" scenario.

D301

#### PROPOSED LANGUAGE

Tables 13a, b and c should be revised to show the overall level of service for the major commute routes, as this will indicate more clearly the redistribution and balancing of work trips that the Mountain House project will help bring about.

## SECTION/COMMENTS

### 4.14 TRANSPORTATION

#### PAGE

4.14-35

#### Tables

4.14-13a and b

#### CURRENT LANGUAGE

Tables 13a and b indicate peak hour V/C ratio and level of service only for future conditions with the project.

#### COMMENTS

These Tables do not indicate what the V/C and LOS would be in the same year without the proposed project. The reader is forced to compare line items with Table 13c, a tedious and error-prone process. However, if one does make that comparison, they will find that the peak hour V/C and LOS actually differ very little between the year 2010 "no project" and "proposed project" scenarios.

D302

Because the project intercepts home-to-work trips that would otherwise travel from the Valley to the Bay Area, the net increment of traffic on regional routes is far less than would be indicated by the project's gross trip generation.

For example, the V/C ratios on I-580 at the Altamont Pass increase less than 3% as a result of the project; this would be imperceptible to most drivers. On several segments, including I-5 and I-205, the V/C ratio actually improves as a result of the project, relative to year 2010 conditions without the project.

Only in the immediate vicinity of the project do freeway V/C ratios increase significantly. These can be mitigated by travel demand reduction efforts proposed by the sponsor, and programed physical improvements.

#### PROPOSED LANGUAGE

Tables 13a and 13b should be modified to include

SECTION/COMMENTS

PAGE

4.14-35

Tables

4.14-13a and b

PROPOSED LANGUAGE      (Cont'd)

the V/C ratio and LOS for "no project" conditions. Another column in these revised tables should show the change in V/C ratio resulting from the project, relative to the "no project" conditions for the same phase (i.e., 1995, 2000, etc.) This side-by-side comparison of conditions with and without the project will make it evident to the reader that the project has only limited impact on the regional freeway network outside of the immediate project area.

D302



## SECTION/COMMENTS

### 4.14 TRANSPORTATION

#### PAGE

4.14-43

#### Mitigation Measure

4.14-2(c)

#### CURRENT LANGUAGE

The project sponsor, with the County, should be required to coordinate the preparation and adoption of Project Study Report(s) with any Specific Plan.....The County should not approve the Specific Plan for the first phase of the project until the required freeway improvements and funding sources have been identified and the Project Study Report Schedule has been approved by Caltrans.

#### COMMENTS

It is likely that any significant freeway and interchange improvements will provide substantial benefit to other parties, including other future developments assumed in the County's cumulative analysis. This is because major roadway and freeway improvements increase capacity in relatively large increments. The project demand is generally not as large as the increment of new capacity provided, for example, by a new interchange or additional travel lane. Existing motorists, as well as traffic generated by other future development assumed in the cumulative analysis, would be able to take advantage of this additional capacity.

D303

#### PROPOSED LANGUAGE

The project sponsor, with the County, should be required to participate in the preparation and adoption of Project Study Report(s) with any Specific Plan that is determined to need freeway improvements. A Com.....The County should not approve the Specific Plan for the any phase of the project until the required freeway improvements and funding sources have been identified and the Project Study Report Schedule has been approved by Caltrans for the phase underway. If identified funding sources include the fair share contribution

SECTION/COMMENTS

PAGE

4.14-43

Mitigation Measure

4.14-2(c)

PROPOSED LANGUAGE      (Cont'd)

from other cumulative projects which are not yet ready to participate in the process, the inability of these future projects to help fund the improvement shall not be used as a reason to delay or deny approval of the Specific Plan.

D303

## SECTION/COMMENTS

### 4.14 TRANSPORTATION

#### PAGE

4.14-42

#### Mitigation Measure

4.14-2(a)

#### CURRENT LANGUAGE

The project proponent should be required to fund their fair share of the cost of preparing a Project Study Report, according to Caltrans standards, for the I-580 freeway over the Altamont Pass.

#### COMMENTS

As previously noted in the above comments related to Impact 4.14-1, the project contributes about 5% of the total growth in traffic over the Altamont Pass on I-580 between 1990 and 2010. The balance, 95% of the growth, is contributed by other development assumed in the County's General Plan studies.

D304

#### PROPOSED LANGUAGE

The project proponent should be required to fund their fair share of the cost of preparing a Project Study Report, according to Caltrans standards, for the I-580 freeway over the Altamont Pass. This fair share shall be no more than the project's percent contribution to total estimated traffic growth on I-580 over the Altamont Pass. Failure to secure funding from the remaining fair share parties shall not be reason to delay or deny approval of the Specific Plan.

## SECTION/COMMENTS

### 4.14 TRANSPORTATION

#### PAGE

4.14-44

#### Mitigation Measure

4.14-3(b)

#### CURRENT LANGUAGE

...The possibility of adding a new interchange at Hansen Road/I-205 may also require study.

#### COMMENTS

This interchange, if built, would primarily serve other potential development to the east of Patterson Pass Road, including large amounts of approved and potential development south of I-205. It would not serve the Mountain House project to any significant degree. All of the off-site transportation projects more than one mile from the project would appear to benefit other potential projects or communities much more than the proposed project. Since these other projects will surely need and want to take the lead in advancing the improvements it would not be appropriate for the proposed project to be required to initiate action.

D305

#### PROPOSED LANGUAGE

~~Delete~~ Mitigation Measure 4.14-3(b) entirely, or change to say that the project should participate on a prorata benefit use basis in any Project Study Report on any projects more than one mile from the project boundary.



## SECTION/COMMENTS

### 4.14 TRANSPORTATION

#### PAGE

4.14-52

#### Mitigation Measure

4.14-4(a)

#### CURRENT LANGUAGE

The project sponsor should contribute a proportionate share toward the cost of future improvements on 11th Street, Altamont Pass Road, Grant Line Road between Altamont Pass Road and I-580, and Grant Line Road east of Byron Road. Proportionate shares toward improvement costs should be based on the proportion of future traffic increases due to the proposed project.

#### COMMENTS

The case is never made that Altamont Pass Road would actually require additional lanes. Under the proposed project scenario, total cumulative volume on Altamont Pass Road will not exceed 11,500 vehicles per day. This traffic level would not require additional lanes on Altamont Pass Road. Furthermore, the project contribution to traffic growth on Altamont Pass Road is small, and will decline over time, as the employment base within the project expands. By Phase IV, the project's net contribution to traffic on Altamont Pass Road is expected to be only 600 vehicles per day.

The proportionate share of improvement cost should be based upon the **net** increment of traffic resulting from the project adjusted for by the benefit share of the offsite designation or origination. This method gives proper credit to the project in those cases where it eliminates or intercepts portions of the base (i.e., existing or cumulative) traffic volume by providing closer employment or residential opportunities. The benefiting off-site projects will also be reviewed and charged with traffic mitigation. In such a case mitigations could be double counted.

The EIR should be revised to make it clear when and where additional lanes are required on Grant Line

## SECTION/COMMENTS

### PAGE

4.14-52

### Mitigation Measure

4.14-4(a)

### COMMENTS

(Cont'd)

Road between I-580 and Mountain House Road. It should be made clear that additional lanes on Altamont Pass Road would not be required unless growth substantially exceeds the forecasts presented in the Draft EIR.

### PROPOSED LANGUAGE

The project sponsor should contribute a proportionate share toward the cost of future improvements on 11th Street, Altamont Pass Road, Grant Line Road between Altamont Pass Road and I-580, and Grant Line Road east of Byron Road. Proportionate shares toward improvement costs should be based on the net proportional traffic increase due to the proposed project relative to future conditions without the project and to the benefit share of other projects at offsite destination and origination points.

D306

## SECTION/COMMENTS

### 4.14 TRANSPORTATION

#### PAGE

4.14-57 to 59

#### Mitigation Measure

4.14-5(a)

#### Table

4.14-16

### CURRENT LANGUAGE

Roads providing access to the project site should be widened over time as shown in Table 4.14-16 to accommodate project traffic impacts at each phase of development. With the exception of Byron Road, all these roads would require capacity improvements as a direct result of the project. The project would contribute a majority of added traffic to Byron Road between the project site and Grant Line Road west.

### COMMENTS

Table 4.14-16 incorrectly identifies a number of in-project road improvements as additional "offsite" needs. These item's costs have been included within the "Roads" category of Table 4.10.1 on page 4.10-3. Specifically included was Patterson Pass Road from Byron to I-205, Grantline Road from Patterson Pass to the Alameda County line and Byron Road from Patterson Pass Road to the County line. The amounts already accounted for are \$6,700,000, \$500,000, \$4,600,000 and \$3,400,000 for a total \$15,000,000. The Arterial Roadways section of table 4.10-3 should include only ON SITE ARTERIALS. The only cost adjustments made are for non-project through traffic on Grantline, Byron and Patterson Roads. This amount is the total of these items from Table 4.14-16, \$15,000,000 reduced to the original \$9,193,000. The adjustment is based on the prorated amount of non-project traffic. The \$39,100,000 is then incorrect. The original \$9,193,000 should be restored and any added offsite costs should be added instead to the second section called Regional Roads/Transit.

The Regional Roads/Transit section was intended to cover those items that would be inclusive of the

D307

## SECTION/COMMENTS

### **PAGE**

4.14-57 to 59

### **Mitigation Measure**

4.14-5(a)

### **Table**

4.14-16

### COMMENTS

(Cont'd)

list on Page 4.14-57 in Table 4.14-16 identified as Additional Road Items. However, even after the removal of the in-project items mentioned above there are still several items that are already covered in Table 4.10-1. These are the \$12 Million Patterson Pass/I-205 interchange and portions of some of the other listed items estimated at another \$8 million. The net amount thus remaining unaccounted for in the project's original estimates as listed in table 4.10-1 is then \$37 million. This figure would be equivalent to the EIR's \$30 million and when properly prorated and reduced should be added to table 4.10-1 under roads.

Looking closely at the improvements represented by the \$37 million indicates that the project will contribute relatively small impacts to these improvements. For example, Table 4.14-16 indicates that Altamont Pass Road over the hill to Livermore will require \$11 million of improvements by the year 2010. This cost is for two additional lanes between Grant Line Road and I-580 in Livermore. As noted above, the need for additional traffic lanes on Altamont Pass Road has not been established in the Draft EIR. Certainly this improvement is not the sole, nor even the majority responsibility of the Mountain House project. In addition full responsibility for road improvements as far away as the communities of Byron and Tracy are equally unfair as Table 4.14-16 would imply. There is no objection to disclosing that such improvements will be needed someday, but the table should include the degree of the projects impact. Making a qualifying statement as in footnote 3 is not a fair representation of the project.

D307

### PROPOSED LANGUAGE

The project sponsors should be required to contribute a fair share proportion towards



SECTION/COMMENTS

**PAGE**

4.14-57 to 59

**Mitigation Measure**

4.14-5(a)

**Table**

4.14-16

PROPOSED LANGUAGE      (Cont'd)

improvement of roads providing direct access to the project site as shown in Table 4.14-16.

On Table 4.14-6;

1. **Delete** any reference and accompanying text to Altamont Pass Road west of Grantline Road.
2. Change the Estimated cost column of the table to shown the project's cost portion of the estimated improvements and the % of the project's cost represents of the total estimated cost.
3. Delete from the table those items already covered in the cost table on page 4.10-3. See comments above.

D307

## SECTION/COMMENTS

### 4.14 TRANSPORTATION

#### PAGE

4.14-63

Mitigation Measure  
4.18-8(c)

#### CURRENT LANGUAGE

A continuous bicycle route should be provided by the sponsor along Altamont pass Road or a comparable route to connect the project site and Alameda County.

#### COMMENTS

Economically the proposed bike route is difficult to justify. It is not only over 10 miles long but it passes through the Altamont Hills via a in some places a narrow road without shoulder room to construct the bike path. The route would not be feasible until the existing route is upgraded. It further would be a regional bike route and would be used by many other city's people. As a commuter route it would be pretty far to the nearest Tri-Valley employment and therefore would have limited use by workers.

D308

#### PROPOSED LANGUAGE

The project should, when the Altamont Road is updated, participate on a fair share basis in the addition of bike route over the Altamont Pass.

The above proposed language should also apply to Mitigation 4.14-8 (b) that requires a similar bike route into Tracy.

## SECTION/COMMENTS

### 4.14 TRANSPORTATION

#### PAGE

4.14-14

CURRENT LANGUAGE - Several places

#### COMMENTS

The establishment of a traffic LOS C for the community may be pre-mature. The applicant is well aware of the implications of a congested community. Because the project is a long term development it is important for the project to maintain a quality lifestyle. However, until detailed traffic studies are completed at the Specific Plan stage it is difficult to measure just how the traffic patterns will impact the community. LOS is calculated by a formula that often does not fully reflect actual conditions. High traffic conditions on one road that can not be expanded could restrict development of the entire project. Large imbalances in the directional commute patterns can give abnormally high (or low) LOS numbers. It is good that the County has the desire to maintain county roads at the comfortable LOS C, but urban development really needs to be looked at individually and occasionally exceptions made.

D309

#### PROPOSED LANGUAGE

The report should recommend that the internal traffic be studied prior to the Specific Plan and the circulation system designed to service as much of the community as possible with a level of service C.

SECTION/COMMENTS

4.15      AIR QUALITY

PAGE  
4.15-11

Mitigation Measure  
4.15-1(i)

CURRENT LANGUAGE

The County should incorporate a requirement for an air quality mitigation fee as part of the Development Title. Such.....

COMMENTS

The project realizes the importance of air quality and will cooperate in its mitigation. However the suggested mitigation is preempted by the forthcoming regulations of the new pollution control district.

PROPOSED LANGUAGE

Delete existing language and add: The County should monitor the project's compliances with the forthcoming Air Quality regulations and mitigations of the newly formed San Joaquin Valley Air Pollution Control District.

D310



## SECTION/COMMENTS

### 4.15 AIR QUALITY

PAGE

4.15-15

Mitigation Measure

4.15-3

#### CURRENT LANGUAGE

*The severity of construction impacts can be reduced to a level that is less-than-significant through application of appropriate mitigation measures. To ensure that construction mitigation is implemented, final approval should not be given to any site development until the developer/contractor submits a satisfactory construction mitigation plan. This plan should specify the methods of control that would be used, demonstrate the availability of needed equipment and personnel, and identify a responsible individual who, if needed, could authorize generation and implementation of additional measures.*

*The construction dust mitigation plan should, at a minimum, include the following recommendations:*

- *suspend earthmoving or other dust-producing activities during periods of high winds when dust control measures are ineffective in controlling visible dust plumes;*
- *provide equipment and staffing for watering of all exposed or disturbed soil surfaces at least twice daily, including weekends and holidays. An appropriate dust palliative or suppressant, added to water before application, should be used;*
- *water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind;*
- *sweep construction areas and adjacent streets of all mud and debris, since this material can be pulverized and later re-suspended by vehicle traffic;*
- *limit the speed of all construction vehicles to 15 miles per hour on unpaved roads while on site;*

(Cont'd.)

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D311

Mitigation Measure  
4.15-3

CURRENT LANGUAGE (Cont'd.)

- *cover or wet down all material transported by truck;*
- *water all inactive portions of the site with an appropriate dust suppressant or cover or seed inactive areas. Completed areas of the site and long-term stockpiles of soil should be seeded within 30 days of completion of activity.*

COMMENTS

The language used in the dust mitigation recommendations should allow the developer/contractor flexibility in developing innovative and effective dust control measures that can be used for specific site soil conditions. Also, if the developer/contractor does not alter the surface soil conditions over large areas of the site, he should not be held responsible for improving the soil conditions existing prior to construction.

D311

## SECTION/COMMENTS

### 4.15 AIR QUALITY

#### **PAGE**

4.15-15

#### **Mitigation Measure**

4.15-3

#### PROPOSED LANGUAGE

*The severity of construction impacts can be reduced to a level that is less-than-significant through application of appropriate mitigation measures. To ensure that construction mitigation is implemented, final approval should not be given to any site development until the developer/contractor submits a satisfactory construction mitigation plan. This plan should specify the methods of control that would be used, demonstrate the availability of needed equipment and personnel, and identify a responsible individual who, if needed, could authorize generation and implementation of additional measures.*

*The construction dust mitigation plan should, at a minimum, include the following recommendations:*

- *suspend earthmoving or other dust-producing activities during periods of high winds when dust control measures are ineffective in controlling visible dust plumes;*
- *dust control implements and staff should be available as needed to control excessive amounts of dust from excavated or graded soil surface areas. The dust control measures should be in conformance with Air Pollution Control District regulations and may include, but not limited to, soil stabilization or soil surface treatment. If water is used to treat the soil surface, an appropriate dust palliative or suppressant should be added to the water before application;*
- *water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind;*

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(Cont'd.)

Mitigation Measure  
4.15-3

PROPOSED LANGUAGE (Cont'd.)

- *sweep construction areas and adjacent streets of all mud and debris, since this material can be pulverized and later re-suspended by vehicle traffic;*
- *limit the speed of all construction vehicles to 15 miles per hour on unpaved roads while on site unless suitable dust control measures are approved by the Air Pollution Control District which will effectively control dust at higher vehicular speeds.*
- *cover or wet down all material transported by truck; and*
- *the portions of the site development, if any, which have not been subjected to excavation or grading operations and where the soil surface conditions have not changed since prior to construction activities, should not be subject to additional dust control measures. However, once the soil surface conditions have been altered by construction activities, the developer/contractor shall be responsible for maintaining an Air Pollution Control District approved dust control program for areas which are active or which have subsequently become inactive;*
- *water all inactive portions of the site with an appropriate dust suppressant or cover or seed inactive areas. Completed areas of the site and long-term stockpiles of soil should be seeded within 30 days of completion of activity.*

D312



## SECTION/COMMENTS

### 4.16 NOISE

PAGE

4.16-5

Paragraph 2

#### CURRENT LANGUAGE

However, areas exposed to noise levels in excess of 60dB would also be considered impacted. Subsequently, mitigation measures are proposed for noise-sensitive land uses exposed to noise levels in excess of an LDN of 60dB.

#### COMMENTS

DEIR should clarify that exposure of residential development to outdoor noise levels less than 65dB is not considered a significant impact, and that any measures proposed to mitigate impacts on residential development regarding noise levels between 60 and 65dB are mitigations of less than significant impacts.

PROPOSED LANGUAGE - NONE

D313

SECTION/COMMENTS

4.16 NOISE

PAGE

4.16-6

Mitigation Measure

4.16-1(b)

CURRENT LANGUAGE - NONE

COMMENTS

Is it practical, or even desirable, to have large setbacks, berms or soundwalls along all arterials to keep noise below 60dB?

PROPOSED LANGUAGE

Each case should be evaluated on its own merits.

D314

## SECTION/COMMENTS

### 4.16      NOISE

#### PAGE

4.16-6

#### CURRENT LANGUAGE

The discussion talks about the noise impacts on the various land uses and depicts these impacts on Figure 4.16-2. It later in mitigation measure 4.16-1 (b) notes how proper site planning and other measures would reduce the noise levels.

#### COMMENTS

The discussion should make clear the added facts suggested in the proposed language.

#### PROPOSED LANGUAGE

At the end of the 2nd paragraph just before Market-Constraint Scenario we suggest adding: "All noise level conditions are calculated as if there is no intervening obstacles other than the existing field conditions. In reality as the project develops various buildings, landscaping and internal noise generators would add and subtract from the noted noise contours. The most significant adjustment could be expected along the freeway where the first row of buildings would significantly reduce the noise contour for the more interior locations."

D315

## SECTION/COMMENTS

### 4.16      NOISE

PAGE  
4.16-10/11

#### CURRENT LANGUAGE

The discussion covers the noise impacts of construction activity.

#### COMMENTS

In a large community being built over such a long period of time there will be many different construction activities and circumstances. Many will be able to comply with the suggested mitigations, other will not. We feel that such a detailed mitigation is too detailed for General plan application. It is suggested that the detailed mitigation measures be moved to the discussion section and the Mitigation measures replaced with the proposed language.

#### PROPOSED LANGUAGE

The county should develop a countywide construction noise ordinance or guidelines that the project should comply with. The contents of the ordinance should take into consideration the suggested controls discussed in the discussion section.

D316



## SECTION/COMMENTS

### 4.16 NOISE

#### PAGE

4.16-11

#### Mitigation Measure

4.16-4(a)

#### CURRENT LANGUAGE

Noise-generating construction equipment, including truck traffic coming to and from the site for any purpose, should be limited to weekdays, between the hours of 8:00 AM and 5:00 PM if construction activity is within 500 feet of any existing residential development.

#### COMMENTS

The short-term impact of noise-generating construction equipment on an existing residential development should not result in excessively restrictive operating hours. It should be understood by residents in a new development that construction activities will moderately affect the noise levels in the area of their dwelling during local construction activities and is a minor inconvenience when compared to the benefits of living in a new town.

This mitigation would not allow for road work and other construction activities that are more practically accomplished on weeeekends or the middle of the night when traffic volumes are low. Also many construction crews start work at 6:30 - 7:00 AM during the summer when weather temperatures are high.

#### PROPOSED LANGUAGE

A County-wide construction noise mitigation program should be developed by the County for application to the Project.

D317

## 5.0 ALTERNATIVES

### COMMENTS

CEQA requires the consideration of a range of alternatives to the proposed Project. Although the DEIR includes the reasonable range of alternatives required by CEQA, the analysis in the DEIR, together with other relevant factors not discussed in the DEIR, demonstrate that each of the alternatives discussed either does not substantially lessen the impacts of the proposed Project (as mitigated) or is not feasible for a variety of reasons. Each of the alternatives is addressed below.

D318

### NO PROJECT ALTERNATIVE

The no project alternative would not achieve any of the objectives of the Project, as identified in the DEIR.

D319

### TRACY ALTERNATIVE SITE

The Tracy Alternative Site would not substantially lessen the impacts of the Project, assuming that the proposed mitigations are incorporated. According to the DEIR, most of the Project's impacts can be mitigated to insignificance. With regard to the impacts identified as significant and unavoidable, the Tracy Alternative Site has no significant environmental advantages. It would utilize the same amount of prime land, perhaps including better land than is found at the Project site, would generate virtually the same transportation and air quality impacts and result in additional noise constraints.

D320

The fact that this alternative would increase the City's revenues would not be an environmental advantage of this alternative. In addition, the feasibility of this alternative is questionable from the perspective of water supply. Finally, the Tracy Alternative Site is in multiple ownership, which increases the difficulty of developing a coordinated, integrated site plan such as proposed by the applicants.

Finally, it is unclear if the Tracy Alternative Site is actually a feasible alternative, because Tracy may grow into at least part of this alternative site whether or not Mountain House is approved.

## NORTH LIVERMORE SITE

Development at this site would not achieve the objectives of the project for San Joaquin County. The benefits would be inured by Alameda County and/or the City of Livermore. For example, the fiscal surplus projected by the applicant would not be available to San Joaquin County.

Although this site might have some environmental advantages (use of less prime agricultural land), it would also be less desirable than the proposed project in a variety of other ways (potential incompatibility with FCC facility, airport noise, questionable ability to serve with water and wastewater treatment, greater potential quake intensity). Finally, the feasibility of this alternative, from the perspective of San Joaquin County, is questionable. The decision whether or not to develop the North Livermore Site is not within the jurisdiction of San Joaquin County. Furthermore, the land and infrastructure costs are much higher for this area and could not produce Affordable Housing.

D321

## REDESIGNED PROJECT

The Redesign Project Alternative presents a number of problems in terms of circulation, land use relationships, proposed land uses and densities, usable open space and open space maintenance, and community identity. These issues are summarized below.

1. In general, the Redesign Project represents one way to achieve mitigation of impacts identified in the DEIR. Likewise, it demonstrates one interpretation of the General Plan 2010 policies for such issues as identifiable communities, neighborhoods, and open space. While any one plan can represent only one approach, the Redesign Project fails to produce a workable plan to build a new community which can attract new businesses and build houses at a density and product mix that is marketable and feasible given current conditions.
2. Circulation in the Redesign Project is circuitous and does not provide for direct connections between homes and jobs. The stated goal is to "clearly separate industrial access from commercial and residential areas." This contradicts one of the primary goals of Mountain House, which is to establish strong links between housing and employment. Indirect circulation will result in longer trips and more air and noise impacts. Likewise, access from the freeway does not provide

D322

D323



a direct connection to the Town Center or the community as a whole and requires extra driving time.

3. The Redesigned Project wastes a large amount of land area by including large buffers on the west, north and south. As a result, residential densities increase to an average of 4.5 units per acre, (50% higher than another town) which appears to be a gross overall density. This means that the residential product mix has been shifted to such a high net density that it is no longer market-driven; in other words, the developer will not be able to sell these houses and the community will fail. If the developer cannot sell houses, the community will not be able to finance its own improvements, thereby defeating another primary goal for Mountain House to pay its own way and provide housing and jobs at no cost to the County.

D324

4. The Redesigned Project proposes four village centers. This differs from the Proposed Project, which establishes one major Town Center with a series of other neighborhood centers. The issue here is one of interpretation of General Plan policies, not one of environmental impact. Both approaches can comply with the General Plan. However, the Redesigned Project produces four village centers which will offer quite similar range of goods, services, and activities. This approach loses the opportunity of establishing a special Town Center which, because there is only one, can offer a concentration of activities and serve to unify the entire community.

D325

The "village" concept can and should be combined with the concept of also having a town center, as proposed by the applicant. Please see Exhibit A, which addresses these issues by recognizing three "villages" served by community commercial areas, and a series of neighborhoods focused on K-8 schools/parks and neighborhood centers. This approach complies with General Plan policies and also maintains the initial Mountain House concept of a Town Center to provide an activity and identity focus for the whole community.

5. Village Three Center, consisting of an "island" floating in regional park, is not well connected into the rest of the community. It fails to achieve the stated goals of integrated, higher density village centers.

D326



6. The extensive regional park area does not effectively serve the region's population and would be better located off-site in conjunction with an important open space feature. D327
7. The Redesigned Project includes an objective to preserve and restore, as open space corridors, all existing agricultural canals. This goal seems misplaced, as the open space system should be serving the new population. D328
8. The Redesigned Project does not include any office commercial uses. This contradicts the idea of providing a full service, balanced community. D329
9. This alternative allocates an unreasonably high amount of land to open space uses (buffers, esements, regional park) which is infeasible economically. D330
10. The design shows no community parks. D331
11. The overall density is unreasonably high. D332
12. The community would be substantially smaller than the proposed project, and so would be less viable and less able to attract major employers. D333
13. The proposed marina location is probably infeasible, due to the proposed salt water intrusion barrier. D334
14. The redesigned alternative fails to include any golf courses, and so fails to meet the demand for this type of recreational use. D335

#### REDUCED-SCALE PROJECT

As discussed above, most of the identified impacts of Scale Project does not further reduce those impacts to a significant degree. According to the DEIR, the Reduced-Scale Alternative does reduce certain of the identified unavoidable impacts of the Proposed Project, but the advantages of the Reduced-Scale Alternative are debatable, and perhaps illusory. While the alternative would preserve some agricultural land on site, the Proposed Project could result in preservation of an equivalent amount and quality of land off-site as a wildlife mitigation. (See Mitigation 4.13-1(f)). Also, the reduction in the amount of farmland developed, and in the impacts on transportation and air quality, are achieved by a 60% reduction in the population of the new community. If, as is likely, the reduction of the size of Mountain House simply transfers the lost population

D336

to other sites, the net impact on agricultural land, traffic, and air quality is likely to be negligible. Moreover, if the growth is simply transferred to other locations on better agricultural land, consists of less compact development, and is not designed to minimize auto use, reducing the Project at this site actually could increase cumulative environmental impacts.

The Reduced-Scale Alternative also would not be feasible. The alternative would have a less positive fiscal impact than the Proposed Project, and therefore an increased chance that it would operate at a General Fund deficit. Also, the DEIR notes that the backbone infrastructure for this alternative may impose a higher financial burden on developable properties. Finally, the substantial reduction in the overall population and employment, by reducing the "critical Mass" of the community, could hamper its intended ability to develop as a relatively self-contained, diverse community.

1. The Reduced-Scale Project alternative fails to provide the critical mass required for a true new town. At 40% of the Proposed Project, the reduced alternative would not be able to generate the economy of scale required to cover the costs of infrastructure and essential urban services. Likewise, the alternative would not be large enough to support a true town center. The non-residential uses proposed for this alternative, especially the commercial acreage, appear to be in excess of that which could be supported by a population of 17,383 people.
2. Many of the Reduced-Scale objectives listed on page 5-75 do not require a 60% reduction in the project. For example, large underdeveloped land areas are not required to protect areas within the project site from adjoining agricultural operations, to concentrate development around a town center, to protect riparian corridors, to provide neighborhood schools and facilities, to establish a jobs-housing balance, to minimize off-site impacts related to water and wastewater treatment plants, to provide parks, or to provide adequate setbacks from major transmission lines. Therefore, most of the project goals cited on Page 5-75 could be accomplished without reducing the land use program.
3. Preservation of agricultural lands within the project site sets up the potential for more urban/agricultural conflicts, particularly in the area south of Grant Line Road and in the area north of the golf course.
4. The alternative does not propose development south of Grant Line Road. This plan approach fails to take

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logical advantage of major existing infrastructure (the freeway and Patterson Pass Road) and is likely to create less viable agricultural operations in a strip along the freeway. Furthermore, it is in conflict with the County's desire to create a logical General Plan amendment area, which led to inclusion of the expanded area south of Grant Line Road.

5. The regional park would be developed under this, as no access or services would be available without adjoining development.
6. Exclusion of areas north of Byron Road and south of Grant Line Road would be subject to growth inducing pressure without the opportunity to adequately plan for infrastructure, services and land use considerations.
7. Land use configuration is awkward in some areas, such as poor layout of golf course and location of commercial areas surrounded by agriculture in the northwest area.
8. Infrastructure costs per unit would be much higher as the same amount of work to Mountain House Creek, storm run-off, Byron Road, Patterson Pass Road, Grant Line Road and raw water conveyance system would be required.
9. Without any development there is no reason to include any of the lands north of Byron in the project so that area would change.
10. The land use plan calls for a disproportionate amount of low density units (508) when compared to the market needs. If building the development would become a higher end project contrary to the needs of the Valley's.
11. The lack of General Industrial means increase traffic off-site as there would be no on-site lumber yards, contractors, storage yards, etc.
12. The excessive amount of open space would be too costly to develop and maintain.

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D349



## 5.2 ALTERNATIVES

PAGE  
5-23

### Tracy Alternative Site

#### CURRENT LANGUAGE

This section evaluates an alternative site adjacent to the City of Tracy.

#### COMMENTS

The report draws the conclusion that the Tracy site is a better site and should be selected if the no-project alternative is rejected. We are not proposing any new language to replace either the text data or the table 5.1-2 we hope that our arguments are carefully reviewed and justified changes made.

#### 1. INCONSISTENCY WITH GOALS OR POLICIES OF RELEVANT PLANS

Unless the Tracy site were to be annexed to the City it would be subject to the same policies as the project. Compliance with these policies would vary somewhat between the two but the differences should not be a decisive factor as the policies have not yet been approved by the Board of Supervisors and could be changed.

#### 2. CANCELLATION OF WILLIAMSON ACT CONTRACT LANDS

This is offsetting. The Tracy site would require fewer acres cancelled but the project applicant has already filed for non-renewal on all of its lands. If cancellation were denied then the Tracy site would have to wait ten years if they file for non-renewal where as the project would only have to wait 5 years.

#### 3. DIFFICULTY IN PROVIDING SCHOOLS

The Tracy site has to deal with two elementary school districts. The project elementary district has some capacity to get the project started.

#### 4. DIFFICULTY IN PROVISION OF ADEQUATE RECREATION SERVICES

The Tracy site does not have the recreation amenities Old River, Mountain House Creek and access to the Delta

D350

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D354



via a Marina. From a marketing point of view the project's projected amenities would favor the site by a significant degree.

D354

5. WATER DEMAND THAT EXCEEDS AVAILABLE SUPPLY/POTENTIAL FOR GROUNDWATER OVERDRAFTING

The Tracy site and the proposed site are NOT similar in water rights. The project site has more than enough water to meet its needs. Available are 8000 acre feet from BBID and 5000 acre feet from riparian river rights. The BBID water is all that is needed so the river water has not been included within the project description. The only water question remaining is the legal question of storing or transferring some summer water to the winter either by a change in the pumping schedule or by storage of the summer water.

D355

The Tracy site on the other hand has not identified its water source. Tracy's underground reserves should be fully committed to existing Tracy development and the projected large city expansion plans being proposed by the current Tracy General Plan update that is in progress.

7. CONSTRUCTION OF STRUCTURES UNDER ADVERSE SOIL CONDITIONS

Soils tests and groundwater table studies reveal that with very small exceptions near the river the two sites are be similar. The project site does record some shallow water tables but pre-engineering indicates that this is sheet flow caused by heavy farm irrigation that would stop upon development.

D356

8. SUBSTANTIAL FLOODING IMPACTS IN FLOODPLAIN DUE TO LEVEE BREAKS

Flooding from levee breaks will not be a problem on the project site as it is intended to completely remove all flood plain areas from development areas. In addition much of the lower areas have been designated for the golf course and the Marina. Removal from the flood plain will incur extra costs but these will be offset and paid for by the higher end housing that will be built around the Marina and the Golf Courses.

D357

9. DEGRADATION OF WATER QUALITY

The report fails to consider that the project description includes a sedimentation and water quality purification area in the designated wetlands area prior to emptying into Old River. With the added diversion

D358

area the two projects would be similar in impacts with the exception that the Tracy site will dump their sediment into drainage channels that must travel four or five miles before dumping into old river. These channels will certainly build up sedimentation and will have to be maintained over their entire length.

D358

10. INCONSISTENCY WITH CHARACTER AND FORM OF SURROUNDING DEVELOPMENT

Report states that the Tracy site and the project are similar except that the project would alter the gateway view on I-205. This is true but the Impact would in our opinion be much less than the visual impact on the Tracy site that would exist from the designated scenic corridor I-580. The I-580 view is a panoramic view of the entire west Tracy agriculture area seen from an elevated roadway several miles in length. This would be lost.

D359

11. REMOVAL OF MAJOR VEGETATION

The project has no intention of removing any tree unless absolutely necessary. In the case of trees along streets to be widened the roads will be widened to miss the trees when ever possible. On the other hand some of the Tracy site is planted in orchards that may have to be removed.

D360

12. POTENTIAL FOR PUBLIC COSTS TO EXCEED PUBLIC REVENUE

The report claims the County would be at less risk fiscally if the Tracy site were selected. We feel the opposite is true. If the project goes to Tracy the County has no chance of receiving additional revenues produced by increasing the unincorporated area tax base and the County would lose the sales tax revenues produced by the project. If the Tracy site is used the county still is faced with providing County services to the site, but it would have no means of obtaining offsetting revenues.

D361

13. INADEQUATE MIX OF HOUSING TO MEET NEEDS OF RESIDENTS WITH VARYING INCOMES

The report states that total housing costs might be lower in the Tracy site because the costs could be spread over a wider population. In Tracy's case the opposite is true. Tracy's infrastructure costs for recent developments are among the highest in Northern California and significantly higher than the projected project costs. Furthermore without a town center the Tracy site has no logical place to concentrate high density housing. In addition the housing mix and density questions would come under the control of the

D362



City of Tracy and the County would lose the opportunity to negotiate housing types that would help to satisfy the County's shortage of affordable housing.

14. CREATION OF POTENTIAL HEALTH HAZARDS

We can see no difference between the two sites yet the table description amplifies the potential hazards on the project site.

15. SUBSTANTIAL DECREASE IN HABITAT FOR FISH, WILDLIFE, OR PLANTS.

It is unlikely that any fish nursery areas would be lost. The current plan is to leave the existing levee intact with all habitat along the river remaining untouched. Most of the boat traffic would be going down river into the deep water because of the proposed old river barrier that would block all but small boats from the up river sensitive areas. Furthermore the addition of the Marina and a wetlands on Mountain House creek could be used to expand the fish hatching areas.

16. TRANSPORTATION

The only advantage that Tracy site has is that it could possible route some of its westbound traffic out to I-580. The problem with this is that the routing would have to go through 3 miles of Ag land and Industrial zoned land to access the freeway at the Patterson Pass interchange. The 3.5 mile road would have to cross both aqueducts and upgrade the interchange. It would probably require 4 or even 6 lanes. In addition the Tracy project would require upgrades or new interchanges at Lammers Road (I-205), Coral Hollow (I-205 & I-580) and 11th Street (I-205). Since the project could be part of a larger expansion of Tracy in the same area it is likely that these roads would all have be 6 lanes.

The Tracy site would also have to consider the high costs of two aqueduct crossings on Corral Hollow Rd. and several grade separated crossings of the railroad track. Combined traffic volume would likely preclude grade level crossings. In addition the existing road alignments, especially Corral Hollow RD. have a significant number of higher priced homes set close to the roadway. A frontage road would most likely be required and major opposition from the property owners could be expected. As to levels of service the Tracy site could experience serious problems unless additional access roads are planned to handle the combined Tracy site and the expanded Tracy Planning area. This would also have to included expanded roads into downtown Tracy which is over 1-1/2 miles from the nearest point of the

Tracy site.

A key advantage of the project site is that all existing access roads have excess capacity at this time. These roads should carry the project through the first several years. The Tracy site may have some access capacity but it would most certainly be consumed by the ongoing development of existing approved subdivisions in the Tracy area.

#### OTHER CONSIDERATIONS

It has been mentioned that the city of Tracy could provide lower cost infrastructure because of existing facilities. Tracy has no surplus capacity that is not accounted for by other development. Furthermore there is some question as to the ability of the existing water plant, sewer plant and storm facilities to handle the additional capacity in their current locations. This would be finding new locations for expansion facilities. Both the Sewer plant and Storm discharge is an average of 5 miles away. The water plant is less than a mile away. Key to this issue is that the pipelines and storm canals would require the purchase of easements through uncooperative property owner's lands.

Note that there are two errors on page 5-26 in the column of San Joaquin County park requirements. I believe it should be 10 acres per 1000 residents for regional parks and three acres per 1000 residents for Community and Neighborhood parks combined. The added park requirement for the city of Tracy would increase the capital and operating costs over that of the project site. I don't know Tracy's park requirements but they seem high in the aggregate. Does Tracy really have a regional park requirement?

D367

D368

D369



## **6.1 CUMULATIVE IMPACTS**

### **PAGE 6-5**

#### **Mitigation Measure (Land Use/Agricultural)**

Please see our comments to Mitigation 4.2-1(e) regarding agricultural impact fees.

D370

### **PAGE 6-8**

#### **Last two paragraphs**

To the extent the project, as contemplated, merely utilizes the water currently provided to this area for agricultural land by BBID, it would not contribute to any cumulative groundwater overdrafting.

D371

### **PAGE 6-14**

#### **Visual Quality Mitigation Measures**

Please see comments to Mitigation Measure 4.8-1.

D372

### **PAGE 6-14**

#### **Fiscal Impacts (next-to-last paragraph)**

The discussion should recognize that the project could result in a General Fund surplus. (See comments to Section 4.9.)

D373

### **PAGE 6-16**

#### **Paragraph 2**

#### **CURRENT LANGUAGE**

Mitigation Measure. For cumulative growth, especially for the proposed new communities in unincorporated areas, each phase of development should be approved after verification that a ratio of 1.0 employed residents per job can be achieved. Projects should only be approved at specific phases.

D374

## COMMENTS

The concept of controlling Job/housing balance by mandating a 1.0 balance through each phase would insure failure of any large project. Markets change over time, employers may want to bring in a large number of employees at one time, the lack of assurance of buildability would drive builders away. A more detail argument has been made in the comments on section 4.11.

D374

## PROPOSED LANGUAGE

Mitigation - The project should annually report to the County all applicable population, housing and job statistics necessary to monitor the Community's Job/Housing balance.

The community should insure that sufficient Industrial and Commercial zoning is available to allow for a Job/Housing balance. The applicant with the cooperation and support of the County should initiate at the specific plan level a strong marketing program to attract quality jobs to the community. The applicant should strongly support any County wide programs to attract jobs to the County. The project should participate and support any County programs to mitigate the impacts resulting any Job/Housing imbalance that may

PAGE 6-19

## Mitigation Measure

### Paragraph 1

## CURRENT LANGUAGE

The discussion on air quality produces the same impact conclusions and mitigation recommendations that are in the project Air Quality Section 4.15.

## COMMENTS/PROPOSED LANGUAGE

We suggest that the same proposed language from the section 4.15 comments be used here also.

D375

PAGE 6-21

## Last Paragraph

## CURRENT LANGUAGE - NONE

## COMMENTS

The inclusion of large agricultural buffers on the east and west sides of the site is neither necessary to mitigate land use conflicts nor desirable for a variety of reasons. (See comments to Mitigation Measure 4.1-2(a).) Land use conflicts with agriculture can be mitigated with the proposed edge treatment on the west side of the site and the land use plan's placement of non-residential uses along the eastern side of the project site. a requirement to purchase off-site acreage east of Patterson Pass Road, in addition to being unnecessary, would add another cost which would reduce the financial viability of the project and perhaps decrease further the ability to meet affordable housing goals. If the County wants to deter further growth on the fringes of Mountain House, it can do so by the exercise of its land use authority. Finally, the water and wastewater treatment facilities will be sized to serve the projected population, but the locations proposed serve a variety of practical and land use goals, and placing these facilities in the center of the site would be impractical, including the creation of significant land use conflicts.

D376

## PROPOSED LANGUAGE

We suggest using language from previous comments under other sections.

## 7.0    MITIGATION MONITORING COMMENT

NOTE:    The following comments relate solely to the timing/frequency of the identified monitoring measures as set forth in Section 7.0 of the DEIR. Comments on the substance of the identified mitigation measures have been presented separately above.

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### MITIGATION MEASURES/MONITORING

D377

#### Mitigation 4.1-1(b)

#### Comment

(Contract Cancellation)  
Page 7.2

Findings for any particular tract are made once; further review is review is unnecessary; irrelevant

Revise: Review at time of cancellation decision (concurrent with GPA approval).

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#### Mitigation 4.14-4

#### Comment

(Fencing of Waterways)  
Page 7.3

Fencing should not necessarily be required at Phase I; only require when development proceeds near canals and irrigation channels.

D378

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#### Mitigation 4.2-1(d)

#### Comment

(Additional Neighborhood Commercial)  
Page 7.4

Exact location of neighborhood serving uses should be able to "float" until Specific Plan stage.

D379

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#### Mitigation 4.3.4-2(a)

#### Comment

(Marina Patrols)  
Page 7.8

Should be monitored only at time of a Specific Plan which includes the Marina; should not be required for Specific Plan covering area south of Byron Road.

D380



Mitigation 4.3.4-2(b)

(Per Berth Fees to Maintain  
Marina Patrol)  
Page 7.8

Comment

County may double on fees when  
development title adopted, but any  
such fees should not have to be paid  
until later (building permit stage  
for Marina).

D381

Mitigation 4.3.4-2(c)

(Incorporate Crime  
Prevention at Marina)  
Page 7.8

Comment

Specific Plan may not get into this  
level of detail for Marina;  
instead, require verification pre-  
construction when these details  
would be resolved.

D382

Mitigation 4.4.1-1(a)

(Annexation of Portions  
of Site to BBID)  
Page 7.9

Comment

This should be deferred to the  
second Specific Plan that would  
require water consumption north of  
Byron Road.

D383

Mitigation 4.4.1-1(b)

(Proving Non-BBID Water  
Service)  
Page 7.9

Comment

Again, compliance should not be  
required before first Specific  
Plan, if first Specific Plan is all  
within BBID.

D384

Mitigation 4.4.1-7(a)

(Hazardous Materials  
Business Plan)  
Page 7.11

Comment

A Business Plan should be developed  
prior to construction. The  
Specific Plan stage is premature for  
this type of detail.

D385

Mitigation 4.4.1-7(b)

(Chemicals for Water  
Treatment Plant)  
Page 7.12

Comment

Inclusion of list at Specific Plan  
stage is premature--should be  
reviewed pre-construction.

D386

Mitigation 4.8.1(a)

(I-205 Setback)  
Page 7.25

Comment

Since there may be multiple Specific Plans, mitigation language should clarify that if any setback is imposed along I-205, it should be reviewed at time of development of any Specific Plan which includes the area immediately adjacent to I-205.

D387

Mitigation 4.8-1(b)

(Minimized Visibility)  
Page 7.26

Comment

See comment to 4.8-1(a).

D388

Mitigation 4.8-1(d)

(Old River Screening)  
Page 7.26

Comment

Any screening along Old River should be addressed at time of the Specific Plan which includes development near Old River.

D389

Mitigation 4.8-1(f)

(Freeway Service Area Signs)

Comment

Sign program should be addressed in the Specific Plan which covers the C-FS area of the project site.

D390

Mitigation 4.8-3(e)

(Height Limits)  
Page 7.28

Comment

Conformance with height limits should be addressed at the time of the Specific Plan stage, not a General Plan amendment which will not reach this level of detail.

D391

Mitigation 4.8-4(a)

(Road Widening--Trees)  
Page 7.28

Comment

Compliance with this requirement should be addressed at the Specific Plan stage.

D392

Mitigation 4.11-1

Comment

(Jobs/Housing Balance)  
Page 7.31

Requiring verification of job/housing balance before each new phase of development proceeds imposes an unreasonable and infeasible amount of uncertainty into the residential development process.

D393

Mitigation 4.11-3

Comment

(Affordable Housing)  
Page 7.31

See 4.11-1.

D394

Mitigation 4.11-3

Comment

(Affordable Housing)  
Page 7.31

See 4.11-1.

D395

Mitigation 4.12-1(a-f)

Comment

(Investigation/Remediation)  
Page 7.32

EIR should clarify that where compliance is required, "pre-construction" should mean prior to any construction at or near the site of potential contamination. Because of size of site, it is not necessary to investigate/remediate entire site prior to construction elsewhere on the site.

D396

Mitigation 4.12-2(a)(b)

Comment

(Pesticides)  
Page 7.33

Pesticide investigation should cover the area within the particular Specific Plan being reviewed. If there are multiple Specific Plans, it is not necessary to address the entire project site prior to the first Specific Plan.

D397

Mitigation 4.12-3(b)

Comment

(Well Abandonment)  
Page 7.34

Again, compliance should be required only in the vicinity of actual construction, not in areas reserved for future development.

D398

Mitigation 4.15-2(a)(b)

Comment

(Wastewater and Industrial dimensions, uses, etc. adjacent  
Page 7.52

The final decision on the Setbacks) to agricultural areas, the wastewater plant, and industrial areas should be resolved at the Specific Plan stage. The information available at the General Plan amendment stage is insufficiently detailed to reasonably resolve these issues.

D399

Mitigation 4.16-1(a)

Comment

(I-205 Noise)  
Page 7-53

Compliance with the measure addressing noise impacts from I-205 should be monitored at the time of Specific Plan covering that area of the project. Width if any setback should depend on factors not fully developed at the time of the General Plan Amendment.

D400

Mitigation 4.16-1(b)

Comment

(Noise Mitigations)  
Page 7.53

Although certain aspects of this mitigation might be monitored when a Specific Plan is approved, it would be better to defer compliance determinations to pre-construction, when siting, construction and details of building design are better defined.

D401

Mitigation 4.16-1(d-f)

Comment

(Noise)  
Page 7.54

Again, it is premature to verify compliance with this measure at the Specific Plan stage.

D402



Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
■ PUBLIC UTILITIES/ Wastewater	<u>CURRENT LANGUAGE:</u>			
4.4.2-2 Discharging treated wastewater or other waste to Old River could adversely impact local water resources and public health.	4.4.2-2(e) An aggressive public education campaign should be considered in developing the Specific Plan to inform the public of work wastes could be disposed of in the sanitary sewer and what alternative disposal options are available for other wastes. The program should include information regarding alternative household chemicals that are the least environmentally harmful.	Submittal of educational materials for review and approval.	SJCDPW	O (annually)
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.2-2(e)			
	<u>PROPOSED LANGUAGE:</u> The requirement for an aggressive waste management public education campaign should be considered in developing the Specific Plan. The Mountain House development, in cooperation with other new and existing communities within the County, should be responsible in sharing the cost for the preparation and implementation of the public education campaign. The public education campaign should inform the public of what wastes could be disposed of in the sanitary sewer and what alternative disposal options are available for other wastes. The program should include information regarding alternative household chemicals that are the least environmentally harmful.	Submittal of educational materials for review and approval.	SJCDPW	O (annually)

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>1</sup>
■ PUBLIC UTILITIES/ Wastewater	<u>CURRENT LANGUAGE:</u>			
4.4.2-2 Discharging treated wastewater or other waste to Old River could adversely impact local water resources and public health.	4.4.2-2(f) A pretreatment program should be considered in developing the Specific Plan. The program would be design to educate and regulate businesses regarding what may be discharged to the sanitary sewer.	Review at SP stage.	SJCCDD and SJCDPW	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.2-2(f)			
	<u>PROPOSED LANGUAGE:</u> The Mountain House Community Services District (CSD) should establish a monitoring program to educate and regulate businesses regarding what may be discharged into the sanitary sewer. The requirement for a pretreatment monitoring program should be addressed in the Specific Plan. Prior to construction of the first phase of the Project, the CSD should develop pretreatment standards to be used in evaluating future business pretreatment programs. Prior to construction of an individual business site, the business should prepare a detailed pretreatment program which will be subject to the approval of the CSD.	Review of Pretreatment Program.	SJCCDD and SJCDPW	PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>1</sup>
■ PUBLIC UTILITIES/ Wastewater	<u>CURRENT LANGUAGE:</u>			
4.4.2-2 Discharging treated wastewater or other waste to Old River could adversely impact local water resources and public health.	4.4.2-2(h) All the agricultural drains under the project site should be located and removed or abandoned in-place, in accordance with direction from the RWQCB, to eliminate the potential for the drains to act as contamination conduits.	Verify prior to construction.	SJCBD and SJCCDD	PC
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.2-2(h)			
	<u>PROPOSED LANGUAGE:</u> Prior to project construction for any project phase, a determination should be made on the timing and removal of agricultural drains under the impacted project areas to eliminate the potential for the drains to act as contamination conduits. Ultimately, all the agricultural drains should be removed or abandoned from the project. All work relating to the relocation or abandonment of agricultural drains under the project site should be in cooperation with the RWQCB.	Verify prior to construction.	SJCBD and SJCCDD	PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
■ PUBLIC UTILITIES/ Wastewater	<u>CURRENT LANGUAGE:</u>			
4.4.2-3 An inadequate wastewater sludge treatment and disposal system could adversely impact water resources and public health due to release of untreated wastewater solids to local surface waters.	4.4.2-2(d) A pretreatment program designed to regulate non-domestic wastewater discharges into the sanitary sewer should be considered in developing the Specific Plan.	Review at SP stage.	SJCCDD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.2-2(f)			
	<u>PROPOSED LANGUAGE:</u> See "Proposed Language" for Mitigation Measure 4.4.2-2(f).	Review of Pretreatment Program.	SJCCDD	PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>1</sup>
■ PUBLIC UTILITIES/ Wastewater	<u>CURRENT LANGUAGE:</u>			
4.4.3-1 The storm water discharges into Mountain House Creek and Old River could contain pollutants that may adversely impact the beneficial uses of Old River.	4.4.3-1(c) The Community Services District for the proposed project should prepare and implement a Best Management Plan to: 1) prevent non-storm water from entering the storm water collection system; 2) minimize the discharge of pollutants into the storm water collection system, and 3) prepare for prompt and effective response to accidental spills into the storm drain system. This plan should be developed as part of the project's Specific Plan.	Review at SP stage.	SJCDPW	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.3-1(c)			
	<u>PROPOSED LANGUAGE:</u> The Community Services District for the proposed project should prepare and implement a Best Management Plan to: 1) prevent non-storm water from entering the storm water collection system; 2) minimize the discharge of pollutants into the storm water collection system, and, 3) prepare for prompt and effective response to accidental spills into the storm drain system. <b>This plan should be developed prior to project construction.</b>	Review of Best Management Plan.	SJCDPW	PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
■ PUBLIC UTILITIES/ Wastewater	<u>CURRENT LANGUAGE:</u>			
4.4.3-2 The modifications proposed for Mountain House Creek could damage the existing riparian habitat or prevent the establishment of a healthy riparian habitat.	4.4.3-2(b) Detailed streambed modification design and riparian vegetation proposals should be prepared at the Specific Plan stage and should be subject to approval by the County and CDFG.	Review at SP stage.	SJCCDD and CDFG	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.3-2(b)			
	<u>PROPOSED LANGUAGE:</u> Detailed streambed modification design and riparian vegetation proposals should be prepared prior to project construction and should be subject to approval by the County and CDFG.	Review of streambed modification design and riparian vegetation proposal.	SJCCDD and CDFG	PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>1</sup>
<b>■ PUBLIC UTILITIES/ Wastewater</b>	<u>CURRENT LANGUAGE:</u>			
4.4.3-3 The volume and rate of runoff from the Mountain House New Town could cause excessive erosion and siltation of detention ponds, creeks, drainage channels, and Old River.	4.4.3-3(b) Inlets to detention ponds must be designed to reduce the velocity of the water in the ponds. The inlet design should be included in the Specific Plan.	Review of pond design and construction by SJCBD.	SJCBD; SJCCDD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.3-3(b)			
	<u>PROPOSED LANGUAGE:</u> Inlets to detention ponds must be designed to reduce the velocity of the water in the ponds. The inlet design should be provided prior to project construction.	Review of pond design and construction by SJCBD.	SJCBD; SJCCDD	PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
<ul style="list-style-type: none"> <li>• PUBLIC UTILITIES/ Wastewater</li> </ul>	<u>CURRENT LANGUAGE:</u>			
4.4.3-3 The volume and rate of runoff from the Mountain House New Town could cause excessive erosion and siltation of detention ponds, creeks, drainage channels, and Old River.	4.4.3-3(c) If two-stage detention ponds were used, the inflow for the upper stage (usually dry) should be constructed to prevent erosion, which may include a concrete low-flow channel or riprap, and should terminate at the edge of the lower stage (always wet). The design features to prevent erosion should be provided in the Specific Plan.	Review at SP stage.	SJCBD; SJCCDD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.3-3(c)			
	<u>PROPOSED LANGUAGE:</u> If two-stage detention ponds were used, the inflow channel for the upper stage (usually dry) should be constructed to prevent erosion, which may include a concrete low-flow channel or riprap, and should terminate at the edge of the lower stage (always wet). The design of the detention ponds should be completed prior to project construction.	Review of Detention Pond Design.	SJCBD; SJCCDD	PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
■ PUBLIC UTILITIES/ Wastewater	<u>CURRENT LANGUAGE:</u>			
4.4.3-3 The volume and rate of runoff from the Mountain House New Town could cause excessive erosion and siltation of detention ponds, creeks, drainage channels, and Old River.	4.4.3-3(d) Periodic removal of sediments from detention ponds should occur to restore the capacities and to minimize resuspension of sediments. Maintenance activities should be described in the Specific Plan.	Review at SP stage.	SJCDPW and SJCCDD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.3-3(d)			
	<u>PROPOSED LANGUAGE:</u> Periodic removal of sediments from detention ponds should occur to restore the capacities and to minimize resuspension of sediments. The requirement for a storm drainage maintenance plan should be addressed in the Specific Plan and should be formulated in detail prior to project construction.	Review of Storm Drainage Maintenance Plan.	SJCDPW and SJCCDD	PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
■ PUBLIC UTILITIES/ Wastewater	<u>CURRENT LANGUAGE:</u>			
4.4.3-4 The accumulation of floating debris and petroleum residual in detention ponds could create a nuisance condition (e.g., odors, mosquito infestation, and excessive algae growth) and cause adverse aesthetic effects.	4.4.3-4(a) Surface barriers near the inlets to detention ponds should be considered to contain floating debris and residual hydrocarbon within a small area of the basins to allow for easier cleanup. The pond designs should be included in the Specific Plan.	Review at SP stage.	SJCDPW and SJCCDD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.3-4(a)			
	<u>PROPOSED LANGUAGE:</u> Surface barriers near the inlets to detention ponds should be considered to contain floating debris and residual hydrocarbon within a small area of the basins to allow for easier cleanup. The pond design should be completed prior to project construction.	Review of Storm Drainage Maintenance Plan.	SJCDPW and SJCCDD	PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>1</sup>
■ PUBLIC UTILITIES/ Wastewater	<u>CURRENT LANGUAGE:</u>			
4.4.3-4 The accumulation of floating debris and petroleum residual in detention ponds could create a nuisance condition (e.g., odors, mosquito infestation, and excessive algae growth) and cause adverse aesthetic effects.	4.4.3-4(b) Landscaping in and around detention ponds should be maintained free from litter and in healthy condition. To the extent feasible, native drought tolerant plants should be used. Landscaping plans and maintenance activities should be described in the Specific Plan.	Review at SP stage.	SJCCDD; SJCDPW; and SJCBD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.3-4(b)			
	<u>PROPOSED LANGUAGE:</u> Landscaping in and around detention ponds should be maintained free from litter and in healthy condition. To the extent feasible, native drought tolerant plants should be used. Landscaping plans and a description of maintenance activities should be completed prior to project construction.	Review of Landscaping Plans and Maintenance Activities	SJCCDD; SJCDPW; and SJCBD	PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
<b>■ PUBLIC UTILITIES/ Wastewater</b>	<b>CURRENT LANGUAGE:</b>			
4.4.3-4 The accumulation of floating debris and petroleum residual in detention ponds could create a nuisance condition (e.g., odors, mosquito infestation, and excessive algae growth) and cause adverse aesthetic effects.	4.4.3-4(c) Equipment for removing floating debris and cleaning up petroleum products from the basins should always be available within the project site. Description of the equipment and other necessary materials should be provided in the Specific Plan.	Review at SP stage.	SJCCDD and SJCDPW	SP
	<b>COMMENTS:</b> Refer to "Comments" for Mitigation Measure 4.4.3-4(c)			
	<b>PROPOSED LANGUAGE:</b> Equipment for removing floating debris and cleaning up petroleum products from the basins should always be available within the project site. Description of the equipment and other necessary materials should be provided by the Community Services District and included in an Operations and Maintenance Manual which is to be provided to maintenance personnel prior to completion of the Project's first phase.	Review of Operations and Maintenance Manual	SJCCDD and SJCDPW	O

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
■ PUBLIC UTILITIES/ Wastewater	<u>CURRENT LANGUAGE:</u>			
4.4.3-4 The accumulation of floating debris and petroleum residual in detention ponds could create a nuisance condition (e.g., odors, mosquito infestation, and excessive algae growth) and cause adverse aesthetic effects.	4.4.3-4(d) Frequent inspection of detention ponds (e.g., daily during rain storms, weekly during dry periods) should be conducted and the findings recorded. Inspection schedules and record keeping plans should be included in the Specific Plan.	Review at SP stage.	SJCCDD and SJCDPW	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.3-4(d)			
	<u>PROPOSED LANGUAGE:</u> Frequent inspection of detention ponds (e.g. daily during rain storms, weekly during dry periods) should be conducted and the findings recorded. Monitoring the detention basins and implementing inspection schedules and record keeping plans should be detailed in an Operations and Maintenance Manual which is to be provided to maintenance personnel prior to completion of the Project's first phase.	Review of Operations and Maintenance Manual	SJCCDD and SJCDPW	O

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
■ PUBLIC UTILITIES/ Wastewater	<u>CURRENT LANGUAGE:</u>			
4.4.4-1 The proposed land use plan appears to violate PG&E restrictions for uses within electrical transmission line and natural gas pipeline easements and does not provide adequate corridors for planned utility easements.	4.4.4-1(a) The applicant should formally apply to PG&E to relocate and underground the Weber-Herdlyn 60 Kv electrical transmission line. A preliminary response and cost estimate from PG&E should be secured and documented in the Specific Plan.	Review at SP stage.	SJCCDD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.4-1(a)			
	<u>PROPOSED LANGUAGE:</u> The applicant should formally apply to PG&E to relocate, if necessary, the Weber-Herdlyn 60 Kv electrical transmission line. A preliminary response and cost estimate from PG&E should be secured and documented in the Specific Plan.	Review at SP stage.	SJCCDD	SP

<sup>1</sup> SJCCDD: San Joaquin County Community Development Department; SJCBD: San Joaquin County Building Division; SJCDPW: San Joaquin County Department of Public Works; USACE: U.S. Army Corps of Engineer; SJCFCE: San Joaquin County Flood Control Engineer; CSD: Community Services District (of Project); RWQCB: Regional Water Quality Control Board; CDFG: California Department of Fish and Game; SJCEHD: San Joaquin County Environmental Health Department; DHS: California Department of Health Services; LAFCO: Local Agency Formation Commission. Those responsible would maintain monitoring records and verify compliance with mitigation measure.

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>1</sup>
■ PUBLIC UTILITIES/ Wastewater	<u>CURRENT LANGUAGE:</u>			
4.4.4-1 The proposed land use plan appears to violate PG&E restrictions for uses within electrical transmission line and natural gas pipeline easements and does not provide adequate corridors for planned utility easements.	4.4.4-1(c) An adequate corridor which meets PG&E approval should be provided for the Rio Oso-Tesla transmission line corridors (see Section 4.12, Public Health and Safety section of this DEIR). PG&E's approval should be secured and documented in the Specific Plan.	Review at SP stage.	SJCCDD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.4-1(c)			
	<u>PROPOSED LANGUAGE:</u> An adequate corridor which meets PG&E approval should be provided for the Rio Oso-Tesla transmission line corridors (see Section 4.12, Public Health and Safety section of the DEIR). PG&E's approval should be secured and documented prior to construction within or adjacent to the corridor area.	Review at PC stage.	SJCCDD	PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>1</sup>
■ PUBLIC UTILITIES/ Wastewater	<u>CURRENT LANGUAGE:</u>			
4.4.4-2 The project would have a significant energy demand and would contribute to the depletion of non-renewable resources and the demand for environmentally-destructive renewable resources such as hydroelectric power.	4.4.4-2(b) The land use plan should provide dedicated easements for solar access to that solar collectors on any building would not be shaded by adjacent buildings. Such easements should be addressed in the Specific Plan.	Review at SP stage.	SJCCDD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.4-2(b)			
	<u>PROPOSED LANGUAGE:</u> The Specific Plan should specify conformance to the Solar Rights Act of 1978 and the Solar Shade Control Act of 1978. Conformance to these regulations should be addressed in more detail during the Tentative Map phase of the project.	Review at PC stage.	SJCCDD	PC

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■ PUBLIC UTILITIES/ Wastewater	<u>CURRENT LANGUAGE:</u>			
4.4.4-2 The project would have a significant energy demand and would contribute to the depletion of non-renewable resources and the demand for environmentally-destructive renewable resources such as hydroelectric power.	4.4.4-2(c) The Specific Plan should assess the feasibility of incorporating solar water heating systems for residential, commercial, and industrial buildings.	Review at SP stage.	SJCCDD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.4-2(c)			
	<u>PROPOSED LANGUAGE:</u> The Specific Plan should require that the feasibility of incorporating solar water heating systems be assessed in the design phase of the project.	Review at C stage.	SJCBD	C

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>1</sup>
<ul style="list-style-type: none"> <li>• PUBLIC UTILITIES/ Wastewater</li> </ul>	<u>CURRENT LANGUAGE:</u>			
4.4.4-2 The project would have a significant energy demand and would contribute to the depletion of non-renewable resources and the demand for environmentally-destructive renewable resources such as hydroelectric power.	4.4.4-2(d) Residences with common walls should be incorporated into the project to the extent practicable to minimize heat loss from units. Inclusion of such units should be addressed in the Specific Plan.	Review at SP stage.	SJCCDD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.4-2(d)			
	<u>PROPOSED LANGUAGE:</u> Conservation of energy is an important consideration in the design of any residence. High density (common wall) dwellings is one of several possible conservation measures. The need for energy efficient dwelling units should be stated in the Specific Plan. The design of individual energy efficient units should be prepared during the design and plan approval process of the Project.	Review at C stage.	SJCBD	C

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>1</sup>
■ PUBLIC UTILITIES/ Wastewater	<u>CURRENT LANGUAGE:</u>			
4.4.4-2 The project would have a significant energy demand and would contribute to the depletion of non-renewable resources and the demand for environmentally-destructive renewable resources such as hydroelectric power.	4.4.4-2(e) Shade trees should be provided on the west side of buildings to reduce cooling demands during the summer and to provide windbreaks during cooler months. Landscaping standards should be established in the Specific Plan.	Review at SP stage.	SJCCDD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.4-2(e)			
	<u>PROPOSED LANGUAGE:</u> Shade trees should be provided on the west side of buildings to reduce cooling demands during the summer and to provide windbreaks during the cooler months. The requirement for on-site landscaping standards to reduce cooling demands on buildings should be addressed in the Specific Plan, with more detailed landscaping standards prepared prior to project construction.	Review Detailed Landscaping Standards.	SJCCDD	PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
■ PUBLIC UTILITIES/ Wastewater	<u>CURRENT LANGUAGE:</u>			
4.4.4-2 The project would have a significant energy demand and would contribute to the depletion of non-renewable resources and the demand for environmentally-destructive renewable resources such as hydroelectric power.	4.4.4-2(f) Shade trees should be provided in parking lots that would not block winter sunlight from reaching nearby buildings. At least 70 percent of the parking stalls should be shaded between 10 a.m. and 2 p.m. Such shading would reduce the use of air conditioning in automobiles and heat buildup associated with asphalt. Landscaping standards should be established in the Specific Plan.	Review at SP stage.	SJCCDD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.4.4-2(f)			
	<u>PROPOSED LANGUAGE:</u> Shade trees should be provided in parking lots that would not block winter sunlight from reaching nearby buildings. Parking lots should have at least one shade tree for every ten parking stalls. Such shading would reduce the use of air conditioning in automobiles and heat buildup associated with asphalt. The requirement for on-site landscaping standards for shading purposes should be addressed in the Specific Plan, with more detailed Landscaping Standards prepared prior to project construction.	Review Landscaping Standards.	SJCCDD	PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>1</sup>
■ GEOLOGY, SOILS AND SEISMICITY	<u>CURRENT LANGUAGE:</u>			
4.6-1 Soils exposed during grading and project construction could be subject to excessive erosion.	4.6-1(a) Prior to any on-site construction, an erosion and sediment control plan for the entire proposed project should be developed by the project engineer and submitted to the San Joaquin County Department of Public Works for review and approval. The plan should comply with requirements of the San Joaquin County Grading Ordinance and the National Pollutant Discharge Elimination System non-point-source reduction programs, as a minimum.	Approval of plan.	SJCDPW	PC and C (weekly)
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.6-1(a)			
	<u>PROPOSED LANGUAGE:</u> Prior to the start of any on-site construction, erosion and sediment control standards for the entire proposed project should be developed by the project engineer and submitted to the San Joaquin County Department of Public Works for review and approval. Such development standards should comply with requirements of the San Joaquin County Grading Ordinance and the National Pollutant Discharge Elimination System non-point-source reduction programs, as a minimum. Construction plans for any specific project shall have provisions that comply with the standards and which should address erosion and control measures which are specific to on-site conditions. The erosion and sediment control measures would be a part of the construction plan approval process.	Approval of plan.	SJCDPW	PC and C (weekly)

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
<b>■ GEOLOGY, SOILS AND SEISMICITY</b>	<u>CURRENT LANGUAGE:</u>			
4.6-2 Surface soils with high shrink/swell potential could cause damage to building foundations and paved surfaces.	4.6-2 Prior to development of the Specific Plan, a detailed geotechnical investigation of on-site soils should be conducted. This investigation should identify soils with high shrink/swell potential and recommend appropriate foundations and pavement subgrade treatment.	Submittal of investigation.	SJCCDD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.6-2			
	<u>PROPOSED LANGUAGE:</u> Prior to project construction, during the design phase of the project, a detailed geotechnical investigation of on-site soils should be conducted. This investigation should identify soils with high shrink/swell potential and recommend appropriate foundations and pavement subgrade treatment in conformance with accepted engineering practices.	Submittal of investigation.	SJCCDD	PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
<b>■ GEOLOGY, SOILS AND SEISMICITY</b>	<u>CURRENT LANGUAGE:</u>			
4.6-3 Settlement may occur if loads (fill and/or structures) are placed over the low-density clays along Old River.	4.6-3 Areas underlain by low-density clays should be left as open space, or alternatively, building foundations should be designed to minimize potential settlement.	Review at SP stage.	SJCCDD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.6-3			
	<u>PROPOSED LANGUAGE:</u> Development in areas underlain by low-density clays should be designed to minimize potential settlement. Any determination on the suitability of the soils to support structures should be decided on a project by project basis and foundation designs should be subject to County approval.	Submittal of Investigation.	SJCCDD	PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
■ <b>GEOLOGY, SOILS AND SEISMICITY</b>	<u>CURRENT LANGUAGE:</u>			
4.6-4 Levee failure along Old River and the Delta-Mendota Canal could be caused by moderate to strong groundshaking during an earthquake.	4.6-4 Levees should be upgraded to meet engineering standards to ensure structural integrity under the anticipated maximum ground acceleration of 0.5g. A feasibility study to determine the cost of levee reconstruction and to examine alternatives, such as setting aside open space in the levee failure flood zone, should be completed prior to development of the Specific Plan.	Review at SP stage.	SJCCDD and USACE	SP and PC
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.6-4			
	<u>PROPOSED LANGUAGE:</u> Existing levees which are to be rehabilitated and new levees should be designed and constructed to withstand seismic forces in accordance with current seismic engineering standards to ensure structural integrity in addition to meeting FEMA criteria for levees which provide protection from a 100-year flood event.  Development of the area adjacent to Old River for residential land use is subject to the removal of the 100-year flood hazard zone designation as discussed in 4.7-1(a) and 4.7-1(b).	Review prior to PC stage.	SJCCDD; SJCFCE; and FEMA	Prior to PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
■ GEOLOGY, SOILS AND SEISMICITY	<u>CURRENT LANGUAGE:</u>			
4.6-5 Liquefaction could cause foundation failure in areas underlain by saturated sandy sediments.	4.6-5 A detailed geotechnical investigation should be conducted prior to development of the Specific Plan to determine areas that may be susceptible to liquefaction. The report should recommend design criteria for construction in these areas. Development in areas identified as susceptible to liquefaction should be limited to open space of very-low-density development. All structures, roads, and utility lines proposed in these areas should follow design criteria that reduce potential liquefaction impacts. Unless these areas are reserved for open space, the impacts associated with liquefaction would remain potentially significant.	Review at SP stage. Verify compliance with recommendations.	SJCBD	SP and C
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.6-5			
	<u>PROPOSED LANGUAGE:</u> A preliminary geotechnical investigation should be conducted, prior to acceptance of the Specific Plan, that will identify the areas within the project that are susceptible to liquefaction. The preliminary report should recommend general design criteria for construction in these areas and recommend additional detailed geotechnical investigations in those areas where the liquefaction potential could significantly alter land use planning. Development in areas identified as susceptible to liquefaction should be limited to open space or very-low-density development. All structures, roads, and utility lines proposed in these areas should follow design criteria that reduce potential liquefaction impacts.	Review preliminary geotechnical investigation at SP stage.	SJCBD	SP and C

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
■ HYDROLOGY AND WATER QUALITY	<u>CURRENT LANGUAGE:</u>			
4.7-1 Proposed structures and facilities on the project site could be inundated by potential flooding within the 100-year floodplain.	<p>4.7-1(a) The levees protecting the project site should all be thoroughly inspected, evaluated, and improved, as necessary, prior to any development within the portion of the site currently designated as a 100-year flood zone. The evaluation of the levee should be performed by a certified engineering geologist or registered geotechnical engineer prior to completion of the Specific Plan. All recommendations presented for levee design and improvements by the professionals should be implemented following review and approval by the San Joaquin County Flood Control Engineer. The review would be conducted under the FEMA requirements for the "Letter of Map Revision" process. Areas currently within the 100-year flood zone cannot be rezoned until this area has been taken out of the flood zone. Thus, before the Specific Plan is approved, this levee work must be complete and approved.</p> <p>Levee reconstruction or modification would require permits from the State Reclamation Board, U.S. Army Corps of Engineers (COE), U.S. Department of Fish and Game, and the California Department of Fish and Game.</p>	Inspection and evaluation of improvements.	SJCFCE	Prior to SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.7-1(a)			
	(Cont'd)			

Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>1</sup>
■ HYDROLOGY AND WATER QUALITY	4.7-1(a) Current Language & Comments - see previous page.			
4.7-1 Proposed structures and facilities on the project site could be inundated by potential flooding within the 100-year floodplain.	<p><b>PROPOSED LANGUAGE:</b> Flood protection improvements, which are designed to meet the Federal Emergency Management Agency (FEMA) criteria, should be constructed. All geotechnical, seismic and engineering investigations, analyses and reports and all proposed design and improvement plans of the flood protection measures to be implemented should be submitted for review and approval by the San Joaquin County Flood Control and Water Conservation District.</p> <p>Approval for development, including approval of 1) rezoning for urban land use, 2) tentative map, 3) final map, 4) subdivision improvements, and 5) building permits, within the portion of the project area adjacent to Old River, which is presently identified in the Flood Insurance Rate Maps (FIRM) to be within the 100-year flood hazard zone, shall be subject to the issuance of a Letter of Map Revision (LOMR) to the FIRM.</p> <p>Without the removal of the 100-year flood hazard zone designation, approval of a specific development site and building structure within the flood plain is subject to San Joaquin County approval of the method used to flood proof the specific development site and building structure in accordance with its adopted ordinance.</p> <p>Construction of flood protection improvements 1) within ten (10') feet of the landside toe of levee, 2) in the waterside bank slope of the levee and 3) in the channel streambed may require permits from the State Reclamation Board, U.S. Army Corps of Engineers, U.S. Department of Fish and Wildlife, the State Department of Fish and Game, the State Lands Commission, and the State Department of Water Quality Control.</p>	Review prior to PC stage.	SJCCDD; SJCFCE and FEMA	Prior to PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
■ HYDROLOGY AND WATER QUALITY	<u>CURRENT LANGUAGE:</u>			
4.7-1 Proposed Structures and facilities on the project site could be inundated by potential flooding within the 100-year floodplain.	<p>4.7-1(b) Regular inspection and maintenance of the levee should be performed to identify and correct any conditions that would destabilize the structure. The levee should be inspected semi-annually by the Community Services District (CSD) for the Mountain House New Town.</p> <p>The semi-annual inspections of the levee should specifically document evidence of erosion on the river side of the levee, excessive seepage on the landward slope (particularly at the toe of the slope), rodent burrows, and levee crest subsidence. Identified problems should be corrected immediately by the CSD.</p>	Inspection and evaluation of improvements.	CSD and SJCFCE	O (semi-annually)
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.7-1(b)			
	<p><u>PROPOSED LANGUAGE:</u> To obtain FEMA approval of the flood protection measures undertaken to remove the 100-year flood hazard designation from that portion of the project area adjacent to Old River, recognized public agencies, such as the San Joaquin County Flood Control and Water Conservation District or a Reclamation District, should be entitled with the responsibility to inspect, operate and maintain the flood protection facilities, including levees, closure structures, internal drainage systems, and stormwater pump stations. The public agencies need to adopt by ordinance the schedule, method and standard of inspection, operation and maintenance of the flood protection facilities as part of FEMA's issuance of the CLOMR or LOMR.</p>	Inspection and elevation of improvements.	CSD and SJCFCE	Prior to PC

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
■ <b>HYDROLOGY AND WATER QUALITY</b>	<u>CURRENT LANGUAGE:</u>			
4.7-2 Increased runoff within the watershed and channel modification of Mountain House Creek could result in increased erosion.	4.7-2 Although the applicant has presented preliminary design measures to reduce the erosion hazards, a specific channel design should be prepared and presented in the Specific Plan. The specific channel design should incorporate riparian vegetation to the greatest extent possible. The use of pervious pavements should be incorporated into the design of parking and pedestrian areas to increase infiltration of storm water runoff. The channel design should be reviewed and be subject to the approval of the San Joaquin Flood Control Engineer.	Monitor completion and implementation of channel design.	SJCFCE	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.7-2			
	<u>PROPOSED LANGUAGE:</u> Although the applicant has presented preliminary design measures to reduce the erosion hazards, a specific channel design should be prepared and presented in the Specific Plan. The specific channel design should incorporate riparian vegetation to the greatest extent possible. Where there exists a suitable subgrade soil, the use of pervious pavements should be incorporated into the design of parking and pedestrian areas to increase infiltration of storm water runoff. The channel design should be reviewed and be subject to the approval of the San Joaquin Flood Control Engineer.	Monitor completion and implementation of channel design.	SJCFCE	SP

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>1</sup>
■ HYDROLOGY AND WATER QUALITY	<u>CURRENT LANGUAGE:</u>			
4.12-5 Potential health impacts may result from public exposure to PCBs or electromagnetic fields associated with overhead electrical lines.	4.12-5(b) The application should request information from PG&E on the calculated strengths of the electric and magnetic fields generated by the Weber-Herdlyn and Rio Oso-Tesla lines and the proposed Rancho Seco-Tesla lines. Field strengths should be identified at the edges of the existing rights-of-way. Field strengths should be calculated for a range of loading conditions including average load and maximum anticipated load.	Review at SP stage.	SJCEHD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.12-5(b)			
	<u>PROPOSED LANGUAGE:</u> The application should request information from PG&E on the calculated strengths of the electric and magnetic fields generated by the Weber-Herdlyn and Rio Oso-Tesla lines. Field strengths should be identified at the edges of the existing rights-of-way. Field strengths should be calculated for a range of loading conditions including average load and maximum anticipated load.	Review at SP stage.	SJCEHD	SP

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
■ <b>HYDROLOGY AND WATER QUALITY</b>	<u>CURRENT LANGUAGE:</u>			
4.7-4 Soil and water may be contaminated from heavy metals and oil-based compounds remaining from abandoned natural gas well drilling muds and could affect future users of the site.	4.12-4 The area within a 200-foot radius of each of the five abandoned natural gas well heads within the project site (Figure 4.12-1) should be investigated by a qualified professional to determine if the drilling muds are present and, if so, whether concentrations of heavy metals and oil-based compounds are present at concentrations that may affect public and environmental health. If the muds contain concentrations of chemicals above regulatory action levels, the drilling muds and any adjacent affected soils should be removed and/or remediated in accordance with regulatory requirements. The investigation should occur prior to development of the Specific Plan. Removal and/or remediation of contaminated soils should occur prior to project construction in the vicinity of the well heads.	Investigation by qualified professional. Verification of remediation, if necessary.	SJCEHD	SP and PC
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.12-4			
	<u>PROPOSED LANGUAGE:</u> Prior to construction within the area circumscribed by a 200-foot radius from each of the five abandoned natural gas well heads within the project site (Figure 4.12-1), the specified area should be investigated by a qualified professional to determine if the drilling muds are present and, if so, whether concentrations of heavy metals and oil-based compounds are present at concentrations that may affect public and environmental health. If the muds contain concentrations of chemicals above regulatory action levels, the drilling muds and any adjacent affected soils should be removed and/or remediated in accordance with regulatory requirements. Removal and/or remediation of contaminated soils should occur prior to project construction in the vicinity of the well heads.	Investigation by qualified professional. Verification of remediation, if necessary.	SJCEHD	PC

<sup>1</sup> SJCCDD: San Joaquin County Community Development Department; SJCBD: San Joaquin County Building Division; SJCDPW: San Joaquin County Department of Public Works; USACE: U.S. Army Corps of Engineer; SJCFCE: San Joaquin County Flood Control Engineer; CSD: Community Services District (of Project); RWQCB: Regional Water Quality Control Board; CDFG: California Department of Fish and Game; SJCEHD: San Joaquin County Environmental Health Department; DHS: California Department of Health Services; LAFCO: Local Agency Formation Commission. Those responsible would maintain monitoring records and verify compliance with mitigation measure.

<sup>2</sup> GPA: General Plan Amendment stage; SP: Specific Plan stage; PC: Pre-construction stage (Tentative Map approval of Final/Map approval); C: Construction stage (prior to building permit issuance); O: Operational stage.



Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
■ HYDROLOGY AND WATER QUALITY	<u>CURRENT LANGUAGE:</u>			
4.12-5 Potential health impacts may result from public exposure to PCBs or electromagnetic fields associated with overhead electrical lines.	4.12-5(d) The proposed high school and elementary school south of Grant Line Road and adjacent to existing and proposed electrical transmission line easements should be relocated. This relocation should be identified in the Specific Plan.	Review at SP stage.	SJCCDD	SP
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.12-5(d)			
	<u>PROPOSED LANGUAGE:</u> The proposed high school and elementary school south of Grant Line Road and adjacent to existing electrical transmission line easements should be relocated. This relocation should be identified in the Specific Plan.	Review at SP stage.	SJCCDD	SP

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
<ul style="list-style-type: none"> <li>AIR QUALITY</li> </ul>	<p><u>CURRENT LANGUAGE:</u></p>			
<p>4.15-3 Construction activities would generate dust and particulate matter which could exceed the PM-10 threshold of significance by 0.96 ton per day.</p>	<p>4.15-3 The construction dust mitigation plan should, at a minimum, include the following recommendations:</p> <ul style="list-style-type: none"> <li>suspend earthmoving or other dust-producing activities during periods of high winds when dust control measures are ineffective in controlling visible dust plumes;</li> <li>provide equipment and staffing for watering of all exposed or disturbed soil surfaces at least twice daily, including weekends and holidays. An appropriate dust palliative or suppressant, added to water before application, should be used;</li> <li>water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind;</li> <li>sweep construction areas and adjacent streets of all mud and debris, since this material can be pulverized and later re-suspended by vehicle traffic;</li> <li>limit the speed of all construction vehicles to 15 miles per hour on unpaved roads while on site;</li> <li>cover or wet down all material transported by truck;</li> <li>water all inactive portions of the site with an appropriate dust suppressant or cover or seed inactive areas. Completed areas of the site and long-term stockpiles of soil should be seeded within 30 days of completion of activity.</li> </ul>	<p>Review at SP Stage. Submittal of construction mitigation plan.</p>	<p>SJCCDD; SJCBD; SJVUAPCD</p>	<p>SP; PC</p>
	<p><u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.15-3</p>			
	<p>(Cont'd)</p>			

Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>1</sup>
■ <b>HYDROLOGY AND WATER QUALITY</b>	4.15-3 Proposed Language (Cont'd)			
4.15-3 Construction activities would generate dust and particulate matter which could exceed the PM-10 threshold of significance by 0.96 ton per day.	<p><u>PROPOSED LANGUAGE:</u></p> <p>■limit the speed of all construction vehicles to 15 miles per hour on unpaved roads while on site unless suitable dust control measures are approved by the Air Pollution Control District which will effectively control dust at higher vehicular speeds.</p> <p>■cover or wet down all material transported by truck; and</p> <p>■the portions of the site development, if any, which have not been subjected to excavation or grading operations and where the soil surface conditions have not changed since prior to construction activities, should not be subject to additional dust control measures.</p> <p>However, once the soil surface conditions have been altered by construction activities, the developer/contractor shall be responsible for maintaining an Air Pollution Control District approved dust control program for areas which are active or which have subsequently become inactive;</p> <p>■water all inactive portions of the site with an appropriate dust suppressant or cover or seed inactive areas. Completed areas of the site and long-term stockpiles of soil should be seeded within 30 days of completion of activity.</p>	Review at SP Stage. Submittal of construction mitigation plan	SJCCDD; SJCBD; SJVUAPCD	SP; PC

<sup>1</sup> SJCCDD: San Joaquin County Community Development Department; SJCBD: San Joaquin County Building Division; SJCDPW: San Joaquin County Department of Public Works; USACE: U.S. Army Corps of Engineer; SJCFCE: San Joaquin County Flood Control Engineer; CSD: Community Services District (of Project); RWQCB: Regional Water Quality Control Board; CDFG: California Department of Fish and Game; SJCEHD: San Joaquin County Environmental Health Department; DHS: California Department of Health Services; LAFCO: Local Agency Formation Commission. Those responsible would maintain monitoring records and verify compliance with mitigation measure.

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Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring'
■ AIR QUALITY	4.15-3 Current Language & Comments - see previous page.			
4.15-3 Construction activities would generate dust and particulate matter which could exceed the PM-10 threshold of significance by 0.96 ton per day.	<p><u>PROPOSED LANGUAGE:</u> The severity of construction impacts can be reduced to a level that is less-than-significant through application of appropriate mitigation measures. To ensure that construction mitigation is implemented, final approval should not be given to any site development until the developer/contractor submits a satisfactory construction mitigation plan. This plan should specify the methods of control that would be used, demonstrate the availability of needed equipment and personnel, and identify a responsible individual who, if needed, could authorize generation and implementation of additional measures.</p> <p>The construction dust mitigation plan should, at a minimum, include the following recommendations:</p> <ul style="list-style-type: none"> <li>■suspend earthmoving or other dust-producing activities during periods of high winds when dust control measures are ineffective in controlling visible dust plumes;</li> <li>■dust control implements and staff should be available as needed to control excessive amounts of dust from excavated or graded soil surface areas. The dust control measures should be in conformance with Air Pollution Control District regulations and may include, but not limited to, soil stabilization or soil surface treatment. If water is used to treat the soil surface, an appropriate dust palliative or suppressant should be added to the water before application;</li> <li>■water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind;</li> <li>■sweep construction areas and adjacent streets of all mud and debris, since this material can be pulverized and later re-suspended by vehicle traffic;</li> </ul>	Review at SP Stage. Submittal of construction mitigation plan	SJCCDD; SJCBD; SJVUAPCD	SP; PC
	(Cont'd)			

Impact	Mitigation Measure	Monitoring Requirements	Person/ Agency Responsible	Timing or Frequency of Monitoring <sup>2</sup>
■ HYDROLOGY AND WATER QUALITY	<u>CURRENT LANGUAGE:</u>			
4.16-4 Construction noise during the 17-year development period would be a significant noise impact.	4.16-4(a) Noise-generating construction equipment, including truck traffic coming to and from the site for any purpose, should be limited to weekdays, between the hours of 8:00 AM and 5:00 PM if construction activity is within 500 feet of any existing residential development.	Verification of compliance.	SJCCDD	C
	<u>COMMENTS:</u> Refer to "Comments" for Mitigation Measure 4.16-4(b)			
	<u>PROPOSED LANGUAGE:</u> Noise-generating construction equipment, including truck traffic coming to and from the site for any purpose, should be limited to weekdays, between the hours of 7:00 AM and 6:00 PM if construction activity is within 500 feet of any existing residential development. Extension of these operating hours during the weekdays and weekends should be approved by the County on a project-by-project.	Verification of compliance.	SJCCDD	C

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DRAFT EIR PUBLIC HEARING  
PLANNING COMMISSION MINUTES

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PLANNING COMMISSION MINUTES  
JANUARY 16, 1992

6. REVIEW OF DRAFT ENVIRONMENTAL IMPACT REPORT NO. ER-91-1 FOR THE MOUNTAIN HOUSE NEW TOWN GENERAL PLAN AMENDMENT (SUPERVISORIAL DISTRICT 5): A Draft Environmental Impact Report (DEIR) has been prepared on the proposed Mountain House New Town. This draft EIR addresses the environmental effects of a proposed General Plan Amendment to change the General Plan on 4,667 acres from Agriculture to New Town and nine proposed Williamson Act Contract - Cancellations to cancel a total of 2,920 acres currently under nine separate contracts. The project site is located in an area bounded by Old San Joaquin River on the north, agricultural lands and Patterson Pass Road on the east, Alameda County on the west, and the I-205 corridor on the south, northwest of Tracy (Supervisory District 5).

Senior Planner Kitty Walker introduced a staff report into the record and noted that the Commission was to receive oral and written comments on the Draft Environmental Impact Report.

PUBLIC HEARING OPENED

Elizabeth Shreeve, with SWA Consultants, said she is the Principal Planner for the applicants of the Mountain House project, and she discussed the proponent's new mitigated land use diagram which was prepared in direct response to impacts identified in the Draft EIR:

- There is no change to the land use program;
- She noted alternative means to mitigate impacts such as replacing the 1000' buffer along the west side of the project and along the freeway with other types of development and landscaping procedures and a relocation of the industrial designation.
- Regarding the school/noise impact, they relocated schools and suggest mitigation by sound walls or earth berms. E1
- Community structures and neighborhoods have been identified in the new sketch plan as a 3-tiered system (hierarchy of community structure). There are to be 12 neighborhoods, each focused around one of the twelve K through 8 schools. There will be a school/park combination in association with a neighborhood center. Three to five neighborhoods are contained in each of the three villages with about 5,000 residences each. The villages are each served by a community commercial area (about 15 acres). The town center has been relocated adjacent to the Mountain House Creek Linear Park.
- She noted traffic circulation changes.

Comm. Carter asked Senior Planner Kitty Walker about a trail that passes through the site. Ms. Walker said she was recently informed that the San Juan Bautista/DeAnza National Historic Trail passes through the site, and the National Park Service has asked that the trail be designated and signed within the New Town. E2



Susan Goodwin, with David Taussig and Associates, 1337 Howe Avenue, in Sacramento, representing the applicant, was present to address the Fiscal and Financial Sections of the Draft EIR. She made the following points:

Regarding Section 4.9 (Fiscal Section) of the Draft EIR:

- The fiscal analysis shows that only 40% of the nonresidential acreage is developed by the year 2010. The hotel never develops, which reduces sales tax revenues and the transient occupancy tax revenues; the commercial/industrial property is not resold throughout the 17-year project period.
- She listed some items which, she said, should have been included in the fiscal analysis: At the current rate that the County collects, the project would generate over \$600,000 annual recurring surplus at buildout.
- Including other technical data, the projected County surplus in the year 2010 would be over \$9.5 million.
- She showed charts of portions of her report.
- She said that Mountain House will be a fiscally balanced project and it stands to be a project that generates surplus revenues to the County.

E3

Regarding Section 4.10 (Financial Section) of the Draft EIR:

- Mountain House is a financially viable and a financially balanced project.
- They see no extraordinary infrastructure requirements that would make any phase of Mountain House a financially infeasible project.
- They see a very basic allocation of costs. There are many financing options available that will provide a more fair allocation to nonresidential land uses. It is likely that a combination of the financing options will be used on Mountain House.

E4

Steve Pickrell, with Korve Engineering, 155 Grand Avenue, Oakland, a transportation consultant on the project, was present and made the following comments:

Regarding the Transportation Section of the Draft EIR:

- The report can be misleading in that it would lead one to believe that the project would make a more significant contribution to long-term traffic growth on the regional network of freeways and roadways than it actually does.
- Severe impacts on the traffic arena are fairly specifically located and are not distributed uniformly across the southern part of the County.
- He showed tables and graphs to support his statements and said that the Final EIR should provide more objective tables and graphs on the traffic impact.

E5

Steve Atkinson, with the firm of Baker and McKinsey, in San Francisco, representing the applicant made the following comments:

Regarding consistency with General Plan Policies (Page 4.2-6 of the EIR):

- They recognize that the conversion of this agricultural land to urban use would be a significant impact under CEQA, but they disagree with the EIR's conclusion that the project would be inconsistent with the General Plan Policies because of its location on farm land.
- Regarding the current land use and circulation, he did not believe that policy prohibits location of new towns on prime land. He believed the policy was consistent because it minimizes the impact on agricultural land by developing on less desirable agricultural land and by avoiding the valley floor.
- Regarding the policies in the Draft 2010 General Plan, he disagreed with the DEIR's apparent interpretation that Draft Policy 18(b) prohibits the location of a new town on prime land. He believed the project is consistent with the intent of that policy because it directs growth away from the best agricultural lands to the edge of the valley; is cited to minimize conflicts with agricultural land; and the project's design and mitigation measures mitigate those impacts.
- He believed that the Final EIR should revise the statement of inconsistency with these policies.
- The EIR fails to clearly recognize the General Plan 2010 policies that are cited, which are draft policies and may be modified and clarified prior to their final adoption by the Board of Supervisors.
- If there is an inconsistency, or a clarification needed as to what the intent of the policy is and whether the project meets that, he believed the General Plan language can be modified or clarified as another way of mitigating this conflict suggested in the EIR. (He said that he will submit written comments which will suggest how that language could be modified to clarify the intent of that policy.)
- He disagreed with the DEIR discussion that the project as proposed is inconsistent with other current and proposed General Plan Policies, such as those regarding identifiable neighborhoods, neighborhood commercial areas, maintaining distinct communities, lack of alternative sites, and growth inducement.
- He said that even if the project does conflict with these policies, he did agree with the EIR's conclusions that these, and all of the other potential conflicts with policies, can be reduced to a level of insignificance by various mitigation measures. He said that in some cases he differed with the EIR in the best way to resolve those conflicts. (He referred to the testimony of Elizabeth Shreeve regarding this subject.)

E6

Regarding proposed biological impact mitigations

- The DEIR recognizes that the impacts of the project on wildlife could be mitigated by reserving a portion of the project site for wildlife and by an offsite mitigation with

E7

similar land. He said his firm believes that the criteria suggested in the EIR for what offsite areas would be appropriate are unreasonably restrictive, particularly the criteria that any offsite area represent a corridor between the Marsh Creek Area and West Tracy. They did not believe that would be justified by any of the impacts of the project. He felt that criteria should be deleted and, preferably, all of those specific criteria should be deleted in favor of a general requirement that any offsite mitigation be approved and acceptable to the Department of Fish and Game and the Federal Fish and Wildlife Service.

- Regarding the proposed mitigation measure dealing with the Mountain House Creek corridor, the DEIR proposes that the project maintain a 200-foot-wide area through the center of the project along the creek, of which no human use could be made. He said his firm thought that mitigation is excessive, but that a 200-foot-wide corridor is more than sufficient for wildlife movement; and that some passive recreational use can be made within that corridor as long as the creek bed itself is reserved for wildlife; and there are substantial areas adjacent to the creek which are vegetative with riparian vegetation; and also that human use is restricted in those areas. Other areas of the corridor could be used for passive use, such as bike trails, hiking trails, picnic grounds, etc.

Waldo Holt, 3900 River Drive, Stockton, said he intends to submit written comments and he spoke on the various wildlife species in the area:

- A blackrail, yellow harrier, and yellow-breasted chat are three listed species that are not included in this EIR.
- The giant garter snake is currently under consideration for federal "endangered" status and he said he objected to the rather casual treatment given in the EIR for that species.
- The western pond turtle is also under current consideration for state "threatened" status and the discussion in the EIR should be reexamined.
- The tri-colored blackbird recently had its biology done which recommends an "endangered" or "threatened" status.
- In Volume 2, (10.16-5 and 6) there is a list of birds with at least 15 inaccuracies, particularly with the status code. There is also a species in that list that does not occur in this area (hairy woodpecker). The tri-colored blackbird is a listed legal species and it is listed as "summer visited." The tri-colored blackbird has been documented as being a breeding bird in this county.
- Regarding the burrowing owl, there are 2 different maps in the DEIR (page 4.13-8, page 10.1-23) and they indicate 3 different sites for burrowing owl. There is no discussion and no mitigation offered in the DEIR. He said that this area's Audubon Society recently participated in a survey of the census and the status of the burrowing owl in California. Thirteen counties were involved between latitude parallel 37



and 39 and this whole area was covered with 11 other Audubon Societies. The results of the first year study shows there has been a 51.2% decline in burrowing owl population in the last 5 years. Within San Joaquin County there has been a 68.6% decline. He said this is alarming and asked that the DEIR address the burrowing owl.

E14

- The Swainson hawk has been identified onsite and there is some confusion about that. On page 4.13-27 is a map showing past and present nest sites, as recognized by the Department of Fish and Game. The DEIR indicates that 1,500 acres is good enough for mitigating the impact on the Swainson hawk. He said the DEIR indicates a misreading of Fish and Game's guidelines, which start on page 10.16-7. On page 10.16-15, under 3, "Maintenance of Sufficient Foraging Habitat," (a) states that the territory must have been used at least once historically, as determined by DFG; (b) states that mitigation will be required for all lands within the defined foraging area; and (c) states that mitigation for foraging areas shall be a minimum of 1 to 1 ratio; (i.e., one acre replacement for each acre loss of habitat). He said they have correctly identified 4,270 acres of foraging habitat for the Swainson hawk; therefore, according to DFG mitigation guidelines, they need to mitigate for 4,270 acres of Swainson hawk habitat.
- The kit fox has been identified in the DEIR as being west of the project. It is also known to be south of the project. Residents of the area have reported sightings of kit fox. Experts have been shown the tracks and the experts say that it looks like kit foxes are there. Fish and Game, within the last few years, have had a radio collar on a kit fox that walked right through the project site and even crossed the river. Basically, the EIR states that they will study the problem for future consideration. Fish and Wildlife requires a 3 to 1 mitigation. There should be some concern as to finding areas that Swainson hawk and kit fox will both be compatible.
- Mr. Holt said that another speaker objected to any requirement of a restrictive mitigation but asked that they be able to give a promise of some approval by Fish and Game in the future. He thought that would be against the law in CEQA (Sundstrom vs. Mendocino County). They need to have that in writing at this stage to have it certified as adequate.

E15

E16

E17

Mike Locke, City Manager for the City of Tracy, 325 East 10th Street, was present to represent the City of Tracy, said a brief presentation would be made at this time with in-depth written comments to be submitted later. He noted members of his staff that would make statements.

David Storer, Senior Planner with the City of Tracy, said that his comments reiterate concerns raised in the August 29, 1991 letter responding to the Notice of Preparation issued by the County. He said his comments deal with four points: 1) alternatives,



economic competition of the project with the City of Tracy; 2) land use conflicts; 3) growth-inducing impacts; and 4) duplication of services. He made the following comments:

- The DEIR recommends that 98 out of a total of 240 mitigation measures (40%) be put off until the Specific Plan stage. The question is, how can we know what the project is? E18
- The County Staff Report lists 13 concerns and 5 of those concerns have been put off until the Specific Plan stage. E19
- An article by Robin Best states that new towns with a population between 20,000 to 60,000 have been found to be too small to stimulate the economic growth that is necessary to balance employment. E20
- The new town proposes 2,398 acres of residential development, and to be considered a new town characteristic, that number would be 1,309 acres. Basically we are talking about half of total project acreage being in residential uses. This is not a "new town." It is nice to see that neighborhoods have been addressed in the Mountain House mitigated plan. E21
- One of the most recent developments is that there is now support that discontinuous patterns of development will be enjoyed as a result of the Mountain House proposal. He suggested that page 4.1-14 state that development of the project has already encouraged future development of properties between the project site and the City of Tracy. He referred to a Preapplication that was discussed on December 18, 1991, called "Tracy Station," which is to be a 157-acre project on the northeast and southeast corners of Patterson Pass and I-205. E22
- Page 4, item 6, fails to discuss the growth-inducing impacts on the City of Tracy. Basically, there would be a consumption of all of the residential market and would set up a possible conflict or a competition between the County and Mountain House, if it incorporates in the City of Tracy. This sets up a situation where the City will either face budget problems or Mountain House will not develop as fast as anticipated. E23
- The proposal is premature. E24
- There is a conflict with the Policy in the current General Plan to minimize adverse impacts to surrounding urban centers E25
- There are several conflicts with policies in the Draft County General Plan. E26
- The DEIR cites numerous inaccurate distances from Mountain House to the City of Tracy. The actual distance is 3 miles. E27
- The DEIR notes incorrectly that the Tracy Disposal has a permit for a transfer station in the City of Tracy. E28
- The overdrafting of groundwater is a problem. The project does not have winter water rights. E29
- He asked how the non-Mountain House property owners would participate in the mitigation measures and in the development process? E30
- He said that responsible agencies have had 30 days to review the DEIR and a revised development plan has been submitted. E31

The County should recirculate the DEIR.

- He made a statement that in the spirit of regional coordination we have an opportunity to avoid the need for future General Plan Amendments and EIRs, especially in the southwestern corner of San Joaquin County. Mountain House, Safeway, Gateway Business Park and Tracy Station need to be addressed. The City of Tracy has attended one workshop and one slide show on the Mountain House project and has read the book. This is an opportunity to coordinate, before certification (of the EIR), and avoid the duplication of services.

Mike McClusky, Director of the Department of Public Works for the City of Tracy, made the following points:

- He commented on the transportation section of the DEIR. he said that funding for the "planned improvements" noted on Page 4.14-16, paragraph 1, is millions of dollars short. He asked which transportation projects would be deferred if the "fair share" funding, noted in the mitigation measures, is approved for Mountain House. He said the County Department of Public Works needs to thoroughly analyze the fair share measures.
- The DEIR states that 70% of the traffic will be internal trips (page 4.14-19, proposed project scenario only). The Reston new town in Virginia has only 30% of all trips generated being internal trips. Something is wrong with the estimates or with the report of the Reston new town.
- Figure 4.14-5 shows the project circulation map. He said the City has requested that Patterson Pass Road be the major connection to Byron Road. They want to de-emphasize Byron Road. The City is trying to plan for Mountain House by providing easy east-west traffic. They are trying to de-emphasize southwest-northeast traffic movement. The City is asking that major traffic on Byron Road be diverted to I-205 via Patterson pass Road.
- Mitigation measure 4.14-1(e) states that bus service will be available with the first house built. Nowhere does the DEIR address the problem of TDA funds that are earmarked for transit being instead used to build roads. The cost of initial transit service will be provided by the County, not the developer. Page 4.14-54, notes buses. The measure states that the cost would be split between the City and Mountain House. The City cannot afford it and would object to this measure.
- Page 4.14-27, paragraph 2 notes the strong interaction between Mountain House and the City. Nowhere in the DEIR does it discuss the impacts to the street system of Tracy. The City has its own transportation model and they are available to run the traffic model, if the cost is paid by the developer, to determine local impacts.
- Page 4.14-41 discusses Transportation Demand Management (TDM) assumes a high 5% TDM trip reduction. There would have to be higher land uses for this reduction. The EIR hopes for a 10 to 15 percent trip reduction. There is no documentation that



this is possible.

- Mitigation measures for transportation impacts should be required. E39
- On page 4.14-42 the EIR proposes a monitoring program to be put in place to assure a high rate of internal travel. This relates to Mitigation Measure 4.14-1(g), which ties traffic and land use occupancy into the same monitoring program. This would put the County in the position of denying Phase II of this project if a certain number of jobs have not been created. He thought this proposal was unworkable. E40
- At this hearing it was stated that there is new traffic data and new layouts and the City would like to review those prior to the Final EIR. He requested that the current EIR be recirculated to show that data for his review. E41

Tracy City Manager Mike Locke made the following points:

- The basic model that was used to analyze fiscal impact, in terms of the operations' side of this, was the City of Tracy's fiscal model. In so doing, however, there were a significant number of alterations to that model. E42
- On Table 4.9-6, under Fiscal Impacts, (that is page 4.9-13,) there is a list of services with costs. This came from their activity budget format from the City model, which has 64 items. Some of the costs are offset by "net County costs," where revenues are offset by overhead operating costs. He said that is a valid concept, but the City believes a significant number of factors were left out. For example, police services, youth services, technical services and narcotics were left out of the model. Police service expenses = \$11.70 per capita (in table), but an additional \$20.73 was left out. E43
- There are three activities under "Administration," = \$22.60 per capita, but another five activities are left out, = \$60.26. "Planning/Building Inspections" is considered as "fee pass-through," so it is "fee neutral." He said he would generally agree with that. "Public Works/Engineering" has four activity areas. However, he said he believed that there are four additional activities that are not shown, that are not "fee neutral." These include "pavement maintenance," "street tree maintenance," "street sweeping maintenance," and "building maintenance." These equal \$27 per capita. E44
- For "Recreation," a footnote indicates that a 54% fee-driven factor is assumed for all parks and recreation services, so expenses are discounted by that factor. However, three items are left out, including "aquatics," "senior citizens," and "community facilities." The Mountain House developer says that all of these services would be included in the New Town project. These would equal \$6.50 per capita, or double what is shown. E45
- If you take all these cumulative costs, it's \$139.90 per capita. He said he believed another \$114.94 per capita is not shown as expenses. All of these expenses are not assumed in the County's administrative overhead, that is assumed to be in E46

the "Net County Cost and Revenue" matrix shown.

- He said he didn't know how the model was modified when it was run. The numbers do not seem to bear out the actual cost of an urban development of this character and size. He said, therefore, they were unable to track overall County loss. It's difficult to determine if Mountain House is a neutral or surplus-generating project. He said that the County has not been experiencing surpluses over the last ten years, and neither has Tracy. E47
- He said he questions what he has seen so far in this document. He said that they are discussing with Gruen and Gruen, who developed their model, whether the analysis can be re-run, using the entirety of the model and the Mountain House projected land uses to see what they come up with, on the computer model run, as a revenue surplus or deficit. If they are able to accomplish this in the time frame they will provide this information. E48
- In terms of capital costs, the document purports that using the 10% builder fee as a maximum threshold, based upon an average cost of \$170,000, generating a \$17,000 maximum impact fee, and in combination with a 1% maximum on assessment taxes on a cumulative basis, this project may not be able to finance its infrastructure. If we just use the low density residential cost from the study, it generates an impact fee of \$22,000 per unit, and the variances and difference can then be seen. E49
- He said there are no alternative capital resources today. The project has to be maintained whole in terms of its impact. The issues that Mr. McCluskey raised are critical to that formula. E50
- He said that when talking about the full cost of mitigating transportation impacts, it is probably the most significant impact cost that Tracy experiences, which is a (City) fee of over \$7,900 per dwelling unit. So, if all of the impacts are not being mitigated then all of the costs are not available. He said he believed that in the documents he has seen to date, there must be a magic wall out there at the city limits, because the (transportation) impacts stopped. That impact needs to be analyzed and included in the fiscal impact. E51
- There are a significant number of issues that need refinement. This refinement should be done at the time of the DEIR.
- He said that on a little broader issue, one raised by Mr. Storer, they expect the DEIR on the Tracy Urban Management Plan to be available by February, with final adoption in August. Tracy's processing of that document will be parallel with the County's process. E52
- There are common issues of water and water delivery, wastewater management, transportation and transit, storm drainage, solid waste, police protection, fire services and revenue sharing. It will be necessary for the City and County to put together an urban management plan for the southwest corner of the county, and to integrate those services, distribute the revenues and costs appropriately, and lay out a foundation for E53



that part of the county, which is our window to the Bay Area.

Carl Landers made the following statements:

- He said that there are proposed to be 200 acres of low density housing in the floodplain area and there is no mitigation on this.
- On the water usage, he said that we are in a severe drought and it is not appropriate to say that the development will not use any more water than an agricultural use.
- Regarding the buffer zone at the river, he said that should not be deleted.
- He said he hoped that it would not be permissible to have structures that are 100' in height, as is proposed in the project.
- The review period of the DEIR should be extended since the project has been revised.

PUBLIC HEARING CLOSED AND THIS WAS THE END OF THIS HEARING.

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## RESPONSES TO COMMENTS

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## RESPONSES TO COMMENTS

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### FEDERAL AGENCIES

#### National Park Service, Western Regional Office

- A1 Appropriate changes have been made to the text throughout Section 4.5 of the Draft EIR (DEIR) (pages 4.5-1, 4.5-6, and 4.5-8).

#### U.S. Department of the Interior, Fish and Wildlife Service

- A2 The survey conducted for the DEIR revealed the presence of potential den sites for the San Joaquin kit fox plus one pair of tracks on the smoke plate. Though somewhat blurred, these appeared to the DEIR biologist more like those of a kit fox than any other fox species. From this minimal evidence, the DEIR biologist speculated that the Old River levee could provide a movement corridor for occasional long sojourns, which is in keeping with several recent telemetry studies of this species. On the basis of this information and coupled with recent sightings of the kit fox in areas north and northwest of the project site, the DEIR recommended that a spring survey should be conducted to confirm this species' presence or absence. In conversation with Ms. Laurie Simons, USFWS, the agency has asked a biological consultant to conduct a survey during Spring 1992. If the 1992 survey does not reveal kit fox tracks or sightings, then one of two assumptions can be made: 1) the fox does not inhabit or use this area; or, 2) there is very sporadic use of the levee corridor. In either case, it is the recommendation of the DEIR consultant that the levee area along Old River should be preserved and enhanced for the wide variety of wildlife species which utilize it. In so doing, a potential corridor area would be preserved to allow for future north/south movement. Additionally, the spring survey would provide appropriate mitigation measures if the study finds that the fox inhabits the project site. These measures may include off-site mitigation which could tie into the Habitat Conservation Plan (HEP) study currently underway by the County for the west Tracy area. Mitigation Measure 4.13-1(e) has been revised to reflect this information.

- A3 In discussions with John Brode, California Department of Fish and Game, concerning present giant garter snake distribution, it was agreed that the eastern edge of the Innercoast Range is most likely no longer viable habitat for this species. The study for the DEIR did not find suitable habitat.

Shoreline seining was performed to ascertain the use of this vegetated area by small fishes; no Delta smelt were collected. This species moves sporadically through the lower Delta system and does not usually take up residency in a specific littoral zone area in the same manner as most of the species obtained in the survey. A survey along the segment of Old River bordering the project site at intervals throughout the spring spawning season, using an otter trawl, should be conducted to confirm this species' presence or absence. The effects of wastewater treatment facilities and urban runoff are addressed in Sections 4.4.2 and 4.4.3. A new mitigation measure has been added to page 4.13-31 as Mitigation Measure 4.13-4(e).

Essentially all of the vertebrates listed in Enclosure A of the comment letter have been addressed in the DEIR. None of the fish listed were collected in the seining effort, although one or more species may pass through the segment of Old River bordering the project site at one time or another during the course of a year.

The mountain plover was not observed during the intensive avian surveys and a search of the limited riparian understory habitat on the site did not reveal any woodrat houses. Because of the almost complete lack of natural or "old barn" roost structures on the property (aluminum pole barn



structures have replaced most of the latter), it was assumed that neither candidate bat species roosts in the area.

The long history of agriculture on this property has essentially negated any vernal pools and with them most of the invertebrate species listed in Enclosure A. The same is true for rare and/or endangered plant species with the exception of Mason's lilaeopsis which occurs in small stands along the Old River shoreline.

- A4 We concur that the applicant will require a Corps permit. A wetlands delineation map was prepared by the applicant's biological consultant, and submitted to the U.S. Army Corps of Engineers for evaluation. This map was approved in December of 1990, according to the applicant. The map was reviewed and verified with on-site surveys by the DEIR biologist and found to be accurate in terms of on-site wetlands. Text for Mitigation Measure 14.3-3(a) has been amended to confirm the requirement for a 404 permit. This language is especially important if the land use plan is amended.

#### **U.S. Department of the Interior, Bureau of Reclamation**

- A5 This comment is addressed in Impact 4.1-4 on page 4.1-20.
- A6 The Bureau of Reclamation's concerns regarding the proposed winter discharge of treated wastewater into the Old River are addressed in the DEIR on pages 4.2-22 through 26. Their concerns are based on a mandate to protect the waters within the Delta Mendota Canal for use by several agencies. As stated in the DEIR, the Central Valley Regional Water Quality Control Board is responsible for granting a permit for any discharge of treated wastewater to Old River. Water quality impacts are a part of the Board's evaluation criteria in determining if a discharge permit may be issued. Other concerns include evaluating the proponent's other options for reusing or disposing of the treated wastewater. There must be no other economical method of disposal to consider granting a discharge permit.
- Wastewater treatment design reliability criteria and the possibility of operational errors resulting in accidental releases of inadequately treated wastewater are addressed in the DEIR on pages 4.4-26 through 27, and page 4.7-12 has been amended.

- A7 The proposed project does not include using Bureau of Reclamation water as a water supply.

#### **U.S. Department of the Army, Corps of Engineers**

- A8 Comment noted. Page 3-24 of the DEIR includes permit requirements for project approval, including U.S. Army Corps of Engineers permit.
- A9 Protection of on-site wetlands is addressed under Mitigation Measures 4.13-3(a) and (b). The Reduced-Scale Project Alternative (Section 5.6 of the DEIR) includes protection of on-site wetlands.

#### **STATE AGENCIES**

##### **California Regional Water Quality Control Board, Central Valley Region**

- B1 The DEIR has been revised in response to this comment. The potential impacts related to the discharge of treated wastewater to Old River are addressed on page 4.7-12, paragraph six.

## **California Department of Health Services, Office of Drinking Water**

- B2 The references to the California Department of Toxic Substances Control made on page 4.4-14 of the DEIR have been changed to the California Department of Health Services, Office of Drinking Water.

## **California Department of Conservation**

- B3 Comment noted. At its meeting of 16 January 1992, the County Planning Commission recommended to the Board of Supervisors that the language be deleted from the Development Title requiring cancellation of Williamson Act Contracts prior to implementation of a Specific Plan. The DEIR has been revised on page 4.1-15 to reflect this change.
- B4 The required findings for cancellation are identified on page 4.1-15 of the DEIR. Many of the issues covered by the findings are discussed on pages 4.1-14 and 4.1-15.
- B5 Addressing delay of the project until 1999 - 2000 as an alternative, when the nonrenewal process would be complete, would create an even greater degree of speculative analysis due to the lengthier forecasting required. Although project impacts would be deferred, they would not be expected to be substantially different than those identified for the 1990 to 2010 project buildout period.

## **California Department of Fish and Game**

- B6 Comments noted.
- B7 Comments noted.
- B8 The early part of the DEIR survey (March-April) documented use by some migrant Swainson's hawks which were attracted by the large microtine food resource on the site. As for the late summer/fall migration, a survey was not completed because of the schedule for completion of the DEIR.

As the commentor is aware, DEIR biotic surveys are usually "snapshots in time." It is the role of the report preparers to document existing conditions. This was done through the extensive on-site surveys in spring 1991. On-site conditions at the time of the survey primarily focused on the fields north of Byron Road. The activity, as documented, does not preclude the potential for the Swainson's hawk to forage on lands south of Byron Road. The mitigation measure to preserve the 1,500 acres north of Byron Road is based upon factual information obtained during the survey period. We acknowledge the DFG guidelines for 1:1 habitat replacement and based the mitigation on these guidelines for the area north of Byron Road. This was considered an appropriate mitigation measure, given the results of the field study. To determine the long-term use of the entire project site by the Swainson's hawk would require a survey conducted over several years in conjunction with the microtis cycles.

- B9 Refer to response B8.
- B10 Comments acknowledged. Additional kit fox studies would be undertaken prior to adoption of the Specific Plan. Those studies would recommend appropriate on-site or off-site mitigation measures if the presence of the kit fox were confirmed.
- B11 We concur with DFG's wetland policy and have recommended preservation and enhancement of all wetland areas on the site. The applicant's biological consultants conducted a wetland determination which was used for the DEIR study.

- B12 The New Jerusalem project located south of Tracy, if approved, would create more than 200 acres of new riparian woodland and associated wetlands where none have existed in recent times. That project would enhance an area which currently supports very little wildlife, including the Swainson's hawk (see DEIR on San Joaquin County Comprehensive Planning Program [San Joaquin County, 1991d]). Conversely, the Lathrop General Plan could result in the loss of a large tract of Swainson's hawk foraging and potential nesting area between I-5 and the San Joaquin River west of the present Lathrop residential area. The Tracy Hills development plan appears to neither enhance nor deplete significant Swainson's hawk habitat. Where appropriate, habitat for the Swainson's hawk and kit fox should be retained on-site, which has been suggested for the project site.
- B13 The DEIR identifies the loss of prime agricultural farmland as an unavoidable adverse impact. Preservation of the 1,500 acres north of Byron Road would ensure retention of a viable habitat as documented in the DEIR. It is probable that development of the entire project site would eliminate wildlife habitat. However, as stated in the response to B8, the survey undertaken during preparation of the DEIR focused on the agricultural lands north of Byron Road because of the biological conditions which existed at that time.
- B14 Refer to the Mitigation Monitoring Plan included in the DEIR (chapter 7 of the DEIR). As additional environmental studies are prepared, this monitoring plan will be modified to each phase of the planning process.
- B15 Comments noted.
- B16 Comments noted.
- B17 The cumulative impacts analysis (Section 6.1) addresses projects both within and outside San Joaquin County. Section 6.1 has been revised since publication of the DEIR to account for new projects such as the City of Lathrop Comprehensive General Plan (adopted after the publication of the DEIR). Section 6.1 of the DEIR addresses wastewater discharge, water quality, water supply, and the needed roads. The issue of saltwater intrusion was not considered relevant to the proposed project. The impacts of increased boat traffic are addressed in Section 4.7 and page 6.13 of the DEIR.

## **LOCAL AGENCIES AND LOCAL DISTRICTS OF STATE AGENCIES**

### **Tracy Rural County Fire Protection District**

- C1 A mitigation measure has been added to the DEIR, page 4.3-13, stating that the Specific Plan should incorporate the recommended conditions.

### **San Joaquin County Public Health Services**

- C2 It is agreed that a Right-to-Farm Ordinance will not prevent nuisance suits. However, the ordinance should protect farmers who are using proper farming practices in proximity to residential areas. As mentioned in this comment, the local agency would definitely be involved in resolving any conflicts. As you will note in Mitigation Measure 4.1-2, a combination of mitigation measures would be necessary to mitigate potential impacts between agricultural operations and residential development. One of these measures includes buffer areas between conflicting land uses. The issue of funding the enforcement of the Right-to-Farm Ordinance would be the responsibility of the County. For example, a fee structure could be put in place as part of the County's Development Title which could apply to new development in agricultural areas.



- C3 Modifications regarding required permits from the Office of Drinking Water, California Department of Health Services were made on page 4.4-14, paragraph one, and Mitigation Measure 4.4.1-5 on page 4.4-14.
- C4 Modifications regarding required permits for sludge disposal involving agricultural land spreading were made on page 4.4-15, third paragraph.
- C5 Comment noted.
- C6 Recommended methods of water conservation are described on page 4.4-12 of the DEIR as part of the discussion of project water supply and in Appendix 10.8. Mitigation Measure 4.4-1-4(a) on page 4.4-13 requires that water conservation measures be included in the Specific Plan. Techniques such as low flow shower heads, 1.5-gallon toilets, and automatically-controlled faucets in commercial establishments are included in the suggestions made by the Environmental Health Division and should be considered in developing the Specific Plan. These measures are discussed on page 10.8-1 of the DEIR in Appendix 10.8.
- C7 There is no guarantee that the Central Valley Regional Water Quality Control Board (CVRWQCB) will allow a discharge of treated wastewater to Old River. As stated in the second paragraph of page 4.4-22 of the DEIR, surface water discharges are not allowed if other technically and economically feasible alternatives for wastewater reuse and disposal are available. The first three mitigation measures listed on page 4.4-25 are listed in order of preference. Mitigation Measure 4.4.2-2(a) on page 4.4-25, which states that reusing treated wastewater through irrigation of on-site areas should be further investigated, is the first choice in disposing of treated wastewater. Mitigation Measure 4.4.2-2(b), which addresses disposing of wastewater by irrigation of off-site lands, would be the second choice for treated wastewater disposal.
- Mitigation Measure 4.4.2-2(c) states that a permit to discharge treated wastewater to Old River should be submitted to the CVRWQCB for review only if insufficient lands are available to implement an irrigation system to dispose of the wastewater for the entire year. If the project includes such a discharge, the permit application would be based on information developed for the Specific Plan. Mitigation Measure 4.4.2-2(c) has been changed to state that the discharge permit application should be submitted to the CVRWQCB before Specific Plan approval and the permit must be obtained before project construction.
- C8 Pre-treatment programs are referred to in Mitigation Measures 4.4.2-2(f) on page 4.4-25 and 4.4.2-3(d) on page 4.4-27. As stated in the comment, the County Public Works Department regulates the quality and quantity of a discharge through a waste discharge permit. A pretreatment program involves further techniques such as routine sampling and testing of discharges, public education, and computerized information systems to track monitoring contacts with dischargers to help reduce the quantities of metals and trace organics entering the public sewer system. Modifications regarding required waste discharge permits for commercial and industrial establishments were made on page 4.4-26, paragraphs two and three.
- C9 Comment noted.
- C10 Comment noted.
- C11 Comment noted.



- C12 Page 7-11 of the DEIR, Mitigation Measure 4.4.1-7 has been corrected to replace the San Joaquin County Environmental Health Department with the San Joaquin County Office of Emergency Services.
- C13 Page 7-33, Mitigation Measures 4.12-2(a) and (b) of the DEIR have been changed to include the Agricultural Commissioner regarding use and regulation of pesticides and herbicides.
- C14 Page 7-34, Mitigation Measure 4.12-3(b) of the DEIR has been changed to replace the San Joaquin County Building Division with the San Joaquin County Environmental Health Division.

**East Bay Municipal Utility District**

- C15 Comment noted.

**Metropolitan Transportation Commission**

- C16 The projected residential population of 43,636 persons is identified on page 3-18 of the DEIR in Table 3.5.
- C17 The DEIR identifies impacts on all freeway segments within ten miles of the project site, per AB 40 requirements. Traffic projections were also made beyond this distance but were not reported in the DEIR because the travel model zones and network are aggregated outside San Joaquin County and no attempt was made to validate the model there; therefore, the projections are not considered reliable. However, comparing the projected 1990-2010 traffic increases between the No Project and Project scenarios (Table C17-1), the impacts beyond 10 miles appear to be relatively small. The largest difference is on I-580 east of I-680 where the Market-Constraint Scenario is projected to increase traffic by 12,000 daily vehicles more than the No Project Scenario, or 5 percent of the total traffic estimated by summing the 1990 volume and the 1990-2010 projected increase. The projected 1990-2010 traffic increases for I-580 for both the No Project and the Project Scenarios may be overstated since the network does not include any parallel arterial routes such as Dublin Boulevard nor is completion of SR 239 and SR 84 assumed.
- C18 We concur that, should lower than projected percentages of residents be employed on-site, impacts on nearby freeways and other off-site roadways could be greater than indicated. The projected percentages were derived using a standard "gravity model" developed and validated as part of the San Joaquin County Travel Model and reflects the assumed mix of on-site population and employment and the relative driving distances to other employment sites. See response to C308 for discussion of reasonableness of this model prediction.
- The "gravity model" used for projecting trip distribution does not account for economic factors such as housing affordability which could prevent (or delay) project employees from living on-site. However, Table 4.11-5 in the DEIR indicates that almost 40 percent of the housing supply would be affordable to Mountain House employees. This percentage is close to the 45 percent internal work trips projected for the Proposed Project Scenario and well above the 24 percent projected for the Market-Constraint Scenario. Therefore, housing affordability would not necessarily be a constraint to achieving the projected levels of internal work trips. Mitigation measures to improve housing affordability are identified in Section 4.11 of the DEIR.
- C19 The Market-Constraint Scenario represents a reasonable worst-case analysis of the project. It assumes full buildout of all housing but less than half the employment growth anticipated by the project sponsor, resulting in more commute trips to off-site locations than the Proposed Project Scenario. Under the Market-Constraint Scenario, 12 to 24 percent of the residents are projected to work on-site, with the higher number not being reached until 2010. Use of a lower percentage of

TABLE C17-1

COMPARATIVE 1990-2010 TRAFFIC VOLUME INCREASES ON SELECTED ROUTES BEYOND 10 MILES FROM PROJECT SITE				
Route and Location	1990 Volume*	Projected 1990-2010 Increases in Traffic**		
		No Project	Market Constraint	Proposed Project
I-580 w/o I-680	140,000	75,000	79,000	71,000
I-580 e/o I-680	145,000	106,000	118,000	109,000
I-5 s/o I-580	26,000	20,000	21,000	18,000
I-5 s/o SR 4 (x-town)	75,000	78,000	78,000	73,000
I-5 s/o Hammer	65,000	74,000	76,000	71,000
I-680 s/o SR 84	92,000	34,000	38,000	39,000
I-680 s/o I-580	85,000	16,000	19,000	18,000
I-680 n/o I-580	106,000	48,000	51,000	49,000
SR 4 @ Contra Costa Cty	6,000	8,000	12,000	13,000
SR 4 @ Byron	12,000	37,000	37,000	40,000
SR 4 @ SR 160	27,000	61,000	60,000	57,000
SR 4 @ Lone Tree Way	23,000	88,000	89,000	84,000
SR 84 c/o I-680	15,000	23,000	27,000	27,000
SR 33 n/o I-5	3,000	11,000	11,000	1,000
Vasco n/o I-580	--	10,000	13,000	14,000
Byron n/o Camino Diablo	--	16,000	16,000	19,000

\* Source: Caltrans 1990 Volumes on State Highways.

\*\* Difference between 1990 and 2010 model estimates.

w/o = west of

e/o = east of

s/o = south of

n/o = north of

**Notes:** For comparative purposes only. Due to skeletal nature of highway network, projected volumes may be overstated by the model.

internal travel for work trips would result in still greater traffic impacts, but is not necessarily realistic to assume and, as such, could overstate what are already identified in the DEIR as significant adverse and unavoidable impacts.

C20 Comment noted. The various mitigation measures recommended by MTC are included in the DEIR (e.g., Mitigation Measures 4.14-1(a) through (e), 4.14-2(b), and 4.14-2(d)). A new mitigation (4.14-1(k)) has also been added to address possible downscaling of the project on page 4.14-27 of the DEIR.

## San Joaquin County Department of Public Works, Public Transportation

C21 The California Clean Air Act provides that the local air pollution control districts prepare plans adopting all feasible control measures to provide for attainment of the State ambient air quality standards. In addition, the Act provides the following performance standards regarding transportation. These performance standards are applicable to the region as a whole (in this case the eight-county San Joaquin Valley Air Basin) and not necessarily to a specific project or plan. The California Clean Air Act places no performance standards on individual projects except those that might be adopted within any indirect source control measures implemented by the District. The District has proposed adoption of a New and Modified Indirect Source Review rule by late 1992.

The following transportation performance standards contained in the California Clean Air Act could be applied to a development proposal:

- Achieve a 1.5 vehicle occupancy during peak travel periods by 1999.

This requirement has been added to Mitigation Measure 4.15-1(d) as a performance standard for Travel Demand Management elements in lease agreements.

The other transportation performance standards are:

- Substantially reduce the rate of increase in passenger vehicle trips and vehicle miles travelled.
- Provide for no net increase in vehicle emissions beyond the year 1997.
- Adopt all reasonably available transportation control measures.

It is clear that the first two of these standards could not be applied to a development proposal, since any development would increase vehicle trips, vehicle miles travelled, and vehicle emissions. These standards are to be applied to the region as a whole (in this case, the eight-county San Joaquin Valley Air Basin).

The last of these performance standards could be applied to an individual project, and meeting this performance standard could be considered as supporting the other two performance standards. The *1991 Air Quality Attainment Plan* for the San Joaquin Valley Air Basin identifies 11 Transportation Control Measures (TCMs) as "reasonably available" in the San Joaquin Valley Air Basin (San Joaquin Valley Unified Air Pollution Control District, 1992). The following table (Table C21-1) identifies the relationship between these TCMs and the proposed mitigation measures adopted within the EIR.

There are two additional TCMs contained in the *1991 Air Quality Attainment Plan* that are not "reasonably available" for an individual development such as the project: 1) parking management; and 2) fleet operator alternative fuels. These two TCMs, however, could conceivably be used by employers to meet the requirements for a TDM plan required under measures 4.14-2(c) and 4.15-1(d).

The mitigation program proposed for the project uses all "reasonably available" measures as identified in the *1991 Air Quality Attainment Plan*. Although approval of the project is unlikely to determine whether the performance standards are met or not met within the eight-county air basin, it is clear that the population and employment growth associated with the proposed project would make attainment of the performance standards more difficult.



**TABLE C21-1**

<b>TCM</b>	<b>RELATIONSHIP OF MITIGATION MEASURES TO TCM MEASURES ADDRESSED IN DEIR BY MITIGATION MEASURES</b>
Traffic Flow Improvements	Measures 4.14-1(d), 4.14-2(a) through 4.14-2(c), 4.14-3(a) through 4.14-3(c), 4.14-3(e), 4.14-4(a) through 4.14-4(c), 4.14-5(a) and 4.14-6(a) through 4.14-6(e) within the Transportation section of the EIR (Section 4.14).
Public Transit	Measures 4.14-1(d), 4.14-1(e), 4.14-1(h), 4.14-3(d) and 4.14-5(b) within the Transportation section of the EIR and measures 4.15-1(b) and 4.15-1(g) of the Air Quality section (Section 4.15).
Passenger Rail Support	Measure 4.14-1(j) within the Transportation section of the DEIR.
Rideshare Program	Measure 4.15-1(b) within the Air Quality section and 4.14-1(d) within the Transportation section address ridesharing for trips generated within the project or surrounding areas. Ridesharing would be one of the Transportation Demand Management strategies available to employers to meet the requirements for a TDM plan required under measures 4.14-1(c) and 4.15-1(d).
Suburban Park and Ride Lots	Measure 4.15-1(b) and 4.15-1(i) within the Air Quality section and 4.14-1(a) and 4.14-1(d) within the Transportation section.
Bicycling Program	Bicycle amenities are addressed by measure 4.15-1(c) in the Air Quality section, and measures 4.14-8(a) through 4.14-8(c), and 4.14-1(d) within the Transportation section.
Trip Reduction Programs	Measures 4.15-1(a) through 4.15-1(e) within the Air Quality section, and measures 4.14-1(b) within the Transportation section.
Telecommuni-cations	Measure 4.15-1(e) addresses telecommuting as a means of reducing air quality impacts. Telecommuting would be one of the Transportation Demand Management strategies for employers to meet the requirements for a TDM plan required under measures 4.14-1(c) and 4.15-1(d).
Alternative Work Schedules	Alternative work schedules would be one of the Transportation Demand Management strategies available to employers to meet the requirements for a TDM plan required under measures 4.14-1(c) and 4.15-1(d).

As seen from the above analysis of TCMs, the mitigation program contained within the DEIR is not a "shopping list" of TCMs but a comprehensive strategy that requires that all "reasonably available" measures be implemented.

- C22 Mitigation Measures 4.14-1(a) through 4.14-1(j), 4.14-3(d), 4.14-4(b), 4.14-5(b) and 4.14-8(a) through 4.14-8(c) of the DEIR focus on people movement rather than vehicle movement, including use of public transit, carpools, and bicycles on-site and off-site. We concur that combining of transportation control measures may increase the overall effectiveness through synergistic effects.



- C23 The specification of strategies that would allow the eight-county San Joaquin Valley Air Basin to meet the California Clean Air Act (CCAA) transportation performance standards is beyond the scope of this DEIR. The *1991 Air Quality Attainment Plan* (San Joaquin Valley Unified Air Pollution Control District, 1992) for the region does not include an analysis of whether the TCMs adopted within the Plan would meet or not meet the CCAA performance standards. See response to C21 regarding the applicability of the CCAA performance standards to individual projects, and the relationship of proposed mitigation measures to the TCMs contained in the *1991 Air Quality Attainment Plan*.

**San Joaquin County Department of Public Works, Environmental Coordinator**

- C24 Table 3.2 on page 3-9 was corrected to show eight units per acre.
- C25 Comment noted. The County's Congestion Management Program calls for provision of transit service (either fixed route or dial-a-ride) from the outset of the project. At a minimum, transit service for the initial phases should include subscription service to and from major employment centers in Tracy, with later phases connecting to employment centers in the Tri-Valley area. With development covering a larger geographical area in later phases, the project's transit service should be expanded to include local service within the site as well as to and from the City of Tracy. Refer to Mitigation Measure 4.14-1(e).
- C26 The employment projection was based upon a review of historical trends within both San Joaquin County and Northern California. It appears to be pessimistic from the perspective of the project applicant.
- C27 New text has been added to Table 4.2-1 on page 4.2-9 of the DEIR to address the need for a public transit plan.
- C28 The financial section of the DEIR does not suggest that all capital costs be financed through assessment districts. Other sources of financing include development agreements, County fees, school impact fees, and revenue bonds. The County Department of Public Works is correct in noting that there currently exists no fee for financing regional road improvements.
- C29 The cost estimates were provided by the DEIR traffic consultant and are presented in greater detail in Table 4.14-16. For the purposes of Table 4.10-1, however, certain improvement costs have been adjusted to reflect the likely share that the proposed project would be responsible for; these adjustments may explain why the total seems low. The DEIR traffic consultant is assuming that, regarding the costs shown in Table 4.14-16, Mountain House would finance 100 percent of all improvements except: the year 2000 Byron Road improvement (33 percent); the year 2005 Grant Line Road East improvement (50 percent); the year 2010 Altamont Pass Road improvement (50 percent) the year 2010 Eleventh Street improvement (25 percent) and the year 2010 I-205/Patterson Pass interchange improvement (50 percent).
- C30 Comment noted.
- C31 The estimated trip generation for the Proposed Project Scenario (100 percent employment absorption by 2010) includes about 6,000 daily shopping trips from the project site to external attractions. One of the main attractions would no doubt be the proposed regional mall. Under the Market-Constraint Scenario, based on a more realistic countywide absorption schedule for employment and commercial uses (44 percent by 2010), there would be about 21,000 daily external shopping trips and a proportionate increase in traffic attracted to the regional mall from Mountain House.

- C32 We concur that a multi-modal transfer station in the proposed Town Center would serve local and express buses and as a park-and-ride lot, but would not be a desirable transfer point for regional commuter rail. The project site is well situated to take advantage of a future commuter rail line between San Joaquin County and the Bay Area, with the potential for an off-site commuter rail station south of the project on either the SP or UP railroad line, whichever is used, and access via shuttle buses or park-and-ride. The County has already funded a commuter rail study. Should the service be implemented, the project sponsor should contribute a "fair share" toward the development of a commuter rail station to serve the project. Mitigation Measure 4.14-1(d) has been revised and Mitigation Measure 4.14-1(j) has been added to the DEIR to address this comment.
- C33 Figure 4.14-6A on page 4.14-28 of the DEIR shows the difference in traffic volumes between the Proposed Project Scenario and the No Project alternative, not the amount of traffic attributable to Mountain House. The No Project includes the other proposed new communities within the County. In the Proposed Project Scenario, the other proposed new communities in San Joaquin County were deleted from background conditions in order to avoid overstating cumulative employment growth. Hence, the Proposed Project Scenario replaces employment and population growth in New Jerusalem, Liberty, and other areas with employment and population growth in Mountain House. It is therefore reasonable and expected that projected freeway volumes for the Proposed Project are lower than those of the No Project, particularly east and south of the site where the other new communities are located.
- C34 We concur that projected volume changes on freeways in the project vicinity are underestimated if the project sponsor's estimate of 19,880 jobs is not reached. Effects of reduced on-site employment are shown in Table 4.14-12B on page 4.14-33 (Market-Constraint Scenario) which assumes only 8,583 employees on-site by 2010. The table shows consistently higher freeway volumes in the project vicinity due to reduced on-site employment.
- C35 This comment raises the issue that peak hour directional splits, which determine how much traffic is in the critical direction, may remain close to what they are today well into the future. Projected employment growth in the San Joaquin Valley is the main reason for the moderation in the directional split.

The projected directional split is reasonable for the projected regional distribution of population and employment and resulting trip distribution. Since survey data were not available for San Joaquin County, the future peak hour directional split was estimated by applying existing Bay Area peak hour directional factors by trip purpose to the future trip distributions projected by the San Joaquin County Travel Model.

To further address this issue, a sensitivity analysis was conducted on I-205 from the I-205/I-580 junction to Grant Line Road to see what the effects would be if the directional split did not change from the existing 70/30 PM peak hour split for any of the intermediate years. For 2010, a 65/35 split was analyzed. The results indicate a demand for eight lanes by 2000 on all four segments of I-205 west of Tracy Boulevard, rather than two segments as is the case with a 60/40 split. For 2005 and 2010, the results show the same lane needs as reported in the DEIR using a 60/40 split. In each case, eight lanes on I-205 would accommodate demand except for the segment between Patterson Pass Road and 11th Street, which is the same as stated in the DEIR. This segment would operate at LOS E or F. Auxiliary lanes in both directions between 11th Street and Patterson Pass Road, for a total cross section of ten lanes, would provide LOS D in 2005, with either a 60/40 or 70/30 split, and in 2010, with either a 60/40 or a 65/35 split.



- C36 "Two-way Future ADT" is the total average daily traffic (total of both directions) for the forecast year indicated at the top of each section of the table. An explanation of the ADT abbreviation has been added to Table 4.14-13A footnotes on page 4.14-36 of the DEIR.
- C37 Comment noted. Future freeway volumes were forecasted based on projected future land use changes to the year 2010 rather than an extrapolation of current trends, as is the case for the 1990 ADT volumes. A straight-line interpolation of the 2010 land use forecasts for the areas outside the Tracy Planning Area was used to obtain land use data for the intermediate years, as there are no detailed intermediate year forecasts. This method is more reasonable than an extrapolation of past trends since, as volumes increase in absolute terms, the percentage increase will decline.
- C38 Grant Line Road and 11th Street would be the primary routes between the project site and the City of Tracy. Figure 4.14-6B shows an increase of 14,000 daily vehicles on I-205 due to the Mountain House project, while Figure 4.14-8B shows an increase of about 20,000 daily vehicles on Grant Line Road and 11th Street combined. This split does not appear to underestimate the use of local roads for travel between the project site and Tracy. The DEIR recommends additional lanes on Grant Line Road to accommodate future demand.
- C39 Comparison of Figures 4.14-2 (1990 ADT on County Roads) with 4.14-9A (Future ADT) indicate that in 1995 daily traffic volumes would remain about the same as they are today on Grant Line Road East and Byron Road. Byron Road currently carries 3,400 daily vehicles and the 1995 projection is for 4,900 daily vehicles. Grant Line Road currently carries 6,100 daily vehicles and this is projected to remain the same in 1995. (Please note that there is a greater than normal margin for error in the forecasts on low volume roads like these.) It is not until year 2000, with the second phase of the project, that volumes are projected to rise sharply from existing levels on these roadways. By 2010, a total of 61,000 daily vehicles are projected on Grant Line Road and 11th Street combined, and a substantial number of these are likely to be trips between the project site and Tracy.
- C40 We concur that the TDM strategies proposed by the project sponsor should comply with the requirements established in the San Joaquin County CMP. Mitigation Measure 4.14-1(c) on page 4.14-23 of the DEIR has been revised to reflect this. As noted in the DEIR (page 4.14-59, paragraph 2), the project sponsor includes a number of measures that would comply with CMP requirements, and additional measures are recommended as mitigation measures (pages 4.14-23 through 4.14-27 of the DEIR).
- C41 Mitigation Measure 4.14-7(a) on page 4.14-62 of the DEIR has been expanded to address compliance with the County's CMP.
- C42 The Waste Plan Format for Development Projects should be incorporated into the Specific Plan. This mitigation measure has been added to the DEIR, page 4.3-17, Mitigation Measure 4.3.5-1.
- C43 The maintenance of Mountain House Creek during and following the development period is addressed in Mitigation Measure 4.7-2 on page 4.7-9, paragraph three. The text has been amended in response to this comment.

#### **Alameda County Congestion Management Agency**

- C44 Projected future volumes on I-580, I-680, and other selected routes in Alameda County not included in the DEIR are shown in Table C-17-1 (Response to C17). In general, neither project scenario would increase total volumes on these facilities significantly beyond projected volumes without the project.

On I-580, future volumes would be LOS F with or without the project. Future LOS deterioration is a significant adverse impact of cumulative growth in both Alameda and San Joaquin counties as well as other areas of the region and the project would contribute to this traffic growth and resulting level of service deficiencies. Regional improvements under study, such as commuter rail between the Bay Area and Stockton, and the proposed Mid-State Toll Facility involving State Routes 84 and 239, are not likely to fully mitigate the problem. Such projects would have significant beneficial effects in terms of reducing the duration of peak period congestion, but are not likely to be enough to retain existing levels of service.

I-580 at the Altamont Pass would likely remain a bottleneck. As volumes increase, the percentage of daily traffic occurring during the peak hour will fall below levels indicated in the DEIR, which are based on demand rather than the physical peak hour capacity. The result may be similar to congested Bay Area freeways such as U.S. 101, I-80 and I-880 and the Bay Bridge, where peak hour levels of service are consistently LOS E/F but daily traffic volumes still increase. With large excess peak hour demands, adding capacity would increase the peak hour percentage and reduce the duration of the peak period, but would not likely improve the peak hour LOS from E/F. Furthermore, as indicated in Comment C340, improvements to I-580 in unincorporated Alameda County are not currently allowed by State statute.

- C45 The Alameda County Transportation Plan is still under preparation. It is our understanding that the primary project proposal affecting travel between Alameda and San Joaquin counties is operation of commuter/intercity trains through Altamont Pass. San Joaquin County, with the participation of Alameda County, is undertaking the Altamont Pass Rail Study to evaluate alternatives and feasibility of this service.

The need for transit service in the Altamont corridor is tied to cumulative growth in the Bay Area and Central Valley counties and beyond. The I-580 and I-205 freeways are projected to be deficient in capacity with or without the Mountain House project. Mitigation Measure 4.14-1(j) addresses the provision and funding of a station to serve Mountain House upon implementation of rail service in the corridor.

- C46 See responses to C101 through C112.

**Caltrans, District 10, Stockton (1/30/92 letter)**

- C47 The projections for shopping trip distribution for Mountain House reflect the amount of on-site retail uses in each scenario as well as the availability of other retail uses nearby, but do not specifically assume a self-contained town or "village concept." For the Market-Constraint Scenario, 62 percent of the shopping trips are projected to be internal in 2010; for the Proposed Project Scenario, 89 percent of the shopping trips are projected to be internal (see tables included in responses to Comments C55 and C57). This factor indicates that significant numbers of shopping trips would be to other areas.
- C48 Comment noted. See response to C47. It should also be noted that the proposed project would include a Town Center, Community Commercial, and General Commercial areas.
- C49 The DEIR does not assume that most residents of the project would work on-site. As indicated in Table 4.14-10, 45 to 51 percent of the resident-generated work trips are projected to stay on-site under the Proposed Project Scenario; the projection for 2010, when project impacts are greatest, is for 45 percent internal work trips. For the Market-Constraint Scenario, which is stated in the DEIR to be more realistic in terms of potential for on-site employment growth, only 12 to 24 percent of the work trips are projected to stay on-site; the higher figure would not be reached until 2010. We



believe the projections under either scenario are reasonable for the assumed population and employment mixes, and assuming that sufficient affordable housing is available over time. (See response to C308.)

- C50 Comment noted. Ramp meters are designed to regulate the flow of traffic onto the freeway. However, with increasingly stringent air quality rules in effect, the importance of efforts to reduce the number of single-occupant vehicles on major travel corridors can only increase. Ramp meters with HOV bypass lanes, in concert with other strategies, encourage carpools and are widely used. The bypass lanes are only recommended in the case that ramp metering is warranted. Clearly the provision of ramp meters is not sufficient mitigation for mainline impacts of a development with over 16,000 residences, and no attempt was made to present ramp meters as the sum total of mitigation. Interchange reconstruction and mainline freeway improvements would be required, the "fair share" cost of which should be determined through the Project Study Report process, as stated in the DEIR.
- C51 HOV lanes are only proposed along Grant Line Road between the project site and I-580 (southbound only), consistent with proposals by the project sponsor. HOV lanes exist on local streets elsewhere, such as Montague Expressway in Santa Clara, where left turns and cross-traffic are accommodated. The HOV lanes are typically curb lanes. With appropriate access restrictions along Grant Line Road, intersection striping and other provisions, HOV lanes could potentially be accommodated on Grant Line Road. Enforcement would be similar to enforcement of HOV bypass lanes at metered freeway ramps.
- C52 The volume cited in the comment is a misprint. Figure 4.14-2 in the DEIR has been corrected to indicate 1,220 vehicles on the ramp instead of 220 vehicles.
- C53 It is correct that, under the assumed phasing of the project, higher percentages of retail/service jobs are assumed in the early phases than later. The total number of jobs per dwelling unit is also projected to decline in each phase. Both of these factors could contribute to declining percentages of internal work travel from 2005 to 2010, as shown in Table 4.14-11.
- C54 Comment noted. Both scenarios were evaluated equally, as stated in the first paragraph of page 4.14-17 of the DEIR.
- C55 The projection of 70 percent internal travel for the Proposed Project Scenario is an average for all trips produced at Mountain House residences over the day, including work, shop, social/recreational, and other trips. The projection is based on a conventional "gravity model" distribution employed in the San Joaquin County Travel Demand Model (DKS Associates, 1991). The gravity model considers each trip purpose separately.

As noted in the DEIR, about 45 percent of work trips are projected to be internal; this percentage is predicated on the project sponsor's optimistic employment level (19,880 jobs by 2010, as compared to 16,000 dwelling units), and considers relative distances to other employment sites.

The average for all daily trips is much higher than projected for work trips because work trips only comprise on the order of 20 percent of all trips over the day, and because almost all shopping and school trips and many non-home-based trips would stay within the project. Table C55-1 shows the estimated breakdown by trip purpose.

The reasonableness of the estimate of internal travel is discussed under comment C308.

- C56 Footnotes on Table 4.14-4 have been corrected.

TABLE C55-1

INTERNAL TRIP PERCENTAGES BY TRIP PURPOSE - MOUNTAIN HOUSE PROPOSED PROJECT SCENARIO - 2010			
Trip Type	Total Trip Ends	Internal Trip Ends	Percent
	Produced at Mtn. House	Produced at Mtn. House	
Home-Work	33,040	14,950	45%
Home-Shop	55,080	49,260	89%
Home-Other <sup>1</sup>	37,610	24,920	66%
Other-Work <sup>2</sup>	9,370	5,570	59%
Other-Other <sup>3</sup>	<u>43,990</u>	<u>33,910</u>	<u>77%</u>
<b>Average, All Trip Ends Produced<sup>4</sup></b>	179,090	128,610	72%

<sup>1</sup> Includes all trips between trip-maker's residence and places other than work or shop (e.g., school, social-recreation).

<sup>2</sup> Trips between trip-maker's work place and other places except home (e.g., from work place to restaurant or to day care).

<sup>3</sup> Trips between places other than home or work (e.g., store to second store).

<sup>4</sup> Does not include trips attracted to Mountain House (i.e., commercial development).

C57 The projection of 45 percent internal trips by 2010 is an average for all trips over the day. As noted in the DEIR, up to 24 percent of resident-generated work trips are projected to be internal assuming 8,600 employees on-site. The reasonableness of this estimate is discussed under response to C308.

The percentage of internal trips for all daily trips is much higher than projected for work trips alone because work trips comprise on the order of only 20 percent of all trips over the day, and because almost all shopping and school trips and many other non-work trips would stay within the project. The attached table (Table C57-1) shows the estimated breakdown by trip purpose.

C58 Comment noted. The Administrative Draft numbers were corrected to reflect the County's adjustments to the proposed residential development phasing.

C59 There is no discrepancy between the two sets of figures, as explained below.

The worksheets on page 4.14-22 show the projected percentages of total trips produced in Mountain House that are attracted to each area. For example, under the Market Constraint Scenario, a total of 149,200 trip ends are produced at Mountain House in 2010, based on the San Joaquin County Travel Model trip generation rates.<sup>1</sup> From Table 4.14-9, about 19 percent of these, or 28,300 trips

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<sup>1</sup>Please note that the number of trip ends produced is not the same as the number of residential trip ends presented in Tables 4.14-5 through 4.14-8 of the DEIR. For travel modeling, each one-way trip is defined as having two trip ends: a "production" end and an "attraction" end. For a trip having one end at home (home-based), the trip production is defined at home regardless of whether the trip is to or from home; the non-home end is the attraction. A typical

TABLE C57-1

INTERNAL TRIP PERCENTAGES BY TRIP PURPOSE - MOUNTAIN HOUSE MARKET-CONSTRAINT SCENARIO - 2010			
Trip Type	Total Trip Ends	Internal Trip Ends	Percent
	Produced at Mtn. House	Produced at Mtn. House	
Home-Work	33,040	8,000	24%
Home-Shop	55,080	33,940	62%
Home-Other <sup>1</sup>	37,610	20,010	53%
Other-Work <sup>2</sup>	4,290	2,030	47%
Other-Other <sup>3</sup>	<u>20,020</u>	<u>12,900</u>	<u>64%</u>
<b>Average, All Trip Ends Produced<sup>4</sup></b>	150,040	76,880	51%

<sup>1</sup> Includes all trips between trip-maker's residence and places other than work or shop (e.g., school, social-recreation).

<sup>2</sup> Trips between trip-maker's work place and other places except home (e.g., from work place to restaurant or to day care).

<sup>3</sup> Trips between places other than home or work (e.g., store to second store).

<sup>4</sup> Does not include trips attracted to Mountain House (i.e., commercial development).

would be attracted to places in the Bay Area. Additionally, about 6,500 daily trips are projected to be attracted to Mountain House from Bay Area locations, based on the County model. In total, about 34,800 daily trips are projected between Mountain House and the Bay Area in 2010. Many but not all of these would use Altamont Pass. For the Proposed Project Scenario, a total of 49,000 daily trips are projected between Mountain House and the Bay Area.

The figures given in Figures 4.14-6A and 4.14-6B are not directly comparable. Rather, they represent the changes in total daily traffic volumes between the project and No Project scenarios. For example, a total of 168,500 daily vehicles are projected on I-580 at the Altamont Pass without the project (Table 4.14-12A). With the Market-Constraint Scenario, a total of 185,500 daily vehicles are projected at that location. Therefore, the Market-Constraint Scenario is projected to increase total traffic on I-580 at the Altamont Pass by 17,000 daily vehicles as shown in Figure 4.14-6B. Similarly, a total of 173,400 daily vehicles are projected on I-580 at the Altamont Pass under the Proposed Project Scenario. This is an increase of 4,900 daily vehicles over the No Project alternative, as shown in Figure 4.14-6A.

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commute trip to work and then back home generates two trip productions at home and two attractions at the work site. For non-home-based trips (for example from office to restaurant) the trip production is defined as the origin of the trip, while the trip attraction is the destination. The projection of 150,800 residential trip ends presented in Table 4.14-8 includes all productions and attractions generated at residences, but excludes trip productions generated at non-residential locations; this number is therefore not directly comparable to the 149,200 trip productions referenced in the response to this comment.



The projected increase in total freeway traffic is substantially less than the number of project trips calculated from the worksheets on page 4.14-22, particularly for the Proposed Project Scenario. This is because the Proposed Project would displace some trips that are projected to use I-580 in the No Project alternative. In the Proposed Project Scenario, the other proposed new communities in San Joaquin County were deleted from background conditions, in order to avoid overstating cumulative employment growth. Moreover, some trips projected in the No Project alternative to travel between Tracy or other San Joaquin locations and the Bay Area would be redistributed to other destinations (including Mountain House). This is because the presence of substantial Mountain House employment would provide an alternative, closer destination for Tracy and other county trips. It is also because a fixed 2010 employment projection for the Bay Area has been used for both the Project and No Project scenarios (based on ABAG/MTC projections); to the extent that Mountain House residents fill some of the Bay Area jobs, fewer Bay Area jobs would be filled by Tracy and other San Joaquin Valley residents. The net impact on cumulative freeway traffic due to the project is therefore much less than the number of project trips assigned to the freeway.

To help clarify that figures 4.14-6(a) and 4.14-6(b) do not show trips to and from the project site, their titles have been revised to state that the volumes are projected increases of the Proposed Project Scenario over the No Project Scenario.

- C60 See responses to C55 and C57.
- C61 See responses to C55 and C57.
- C62 The footnotes on Tables 4.14-9 and 4.14-10 on page 4.14-22 of the DEIR have been revised for clarity.
- C63 The DEIR text in the first paragraph of page 4.14-23 has been revised to clarify the statement.
- C64 The DEIR text on page 4.14-26 (Mitigation Measure 4.14-1(g)) has been revised to add this comment.
- C65 The statement regarding strong interaction in the Proposed Project Scenario between Mountain House employment and Tracy labor pool is not contradictory with the 70 percent internal travel rate for the City of Tracy. The 70 percent figure cited for Tracy (more precisely 68 percent) represents all trips over the day, not just work trips. Under the Proposed Project Scenario, 359,200 total daily trips are projected to be produced in the Tracy planning area. Of these, 245,500 daily trips, or 68 percent, are projected to be internal to the Tracy area, another 35,200 (10 percent) would be attracted to Mountain House, and the remaining 22 percent would be attracted to all other areas. Of the individual planning areas considered, Mountain House would account for the second highest number of trips behind only Tracy itself. The text in the DEIR has been revised to clarify that all daily trips, not just work trips, between homes in Tracy and non-residential activities in Mountain House contribute strongly to the projected traffic increase on I-205 east of the project.
- C66 The San Joaquin County model estimates a lower percentage of home-based work trips, about 50 percent, over the Altamont Pass than the percentage cited which is based on an Altamont Pass survey conducted in 1988. However, the Altamont Pass survey included only PM peak period traffic, and the percentage of work trips during non-commute hours is anticipated to be much lower than during the survey period. Also, the survey did not include trucks, out-of-state vehicles or rental cars, most of which would be non-home-based work trips. Therefore, the lower percentage of daily work trips estimated by the model appears reasonable. The total model-estimated 1990 volume on I-580 at the Altamont Pass was validated to within a few percent of the daily traffic count during development of the San Joaquin County Travel Demand Model in 1991.



C67 For trips produced in Tracy and attracted to Sacramento County, the San Joaquin County model estimates 37 percent home-based work (HBW), 55 percent home-based other (HBO), and eight percent non-home based (NHB). The HBW percentage is quite consistent with the City of Tracy model estimate. Of the non-work trips, the County model has a heavier skew toward HBO trips than the City model. Considering the long distance trips involved, the County model percentages for non-work trips appear reasonable. Since HBO trips tend to be slightly longer on average, the higher percent of HBO trips used in the County model would have the effect of increasing projected traffic volumes and total vehicle miles of travel on the highway system; however, the County model was well validated for 1990 conditions.

C68 The San Joaquin County model estimates 20 percent HBW, 58 percent HBO, and 22 percent NHB for all trips to and from the Tracy planning area. The HBW percentage is fairly consistent with that estimated by the City of Tracy model. The County model estimates a greater share of HBO and smaller share of NHB travel than the City of Tracy model. The County model percentage breakdowns are based upon and consistent with regional travel characteristics reported in a 1980 survey of Bay Area residents (1981 Travel Survey, Working Paper No. 8, Metropolitan Transportation Commission, June, 1983); similar household survey data for San Joaquin County was not available during calibration of the model.

C69 See response to C59. As noted in that response, it is not correct to equate the numbers indicated.

The number of project-generated trips across Altamont Pass should not be calculated solely from Table 4.14-9 since this table only gives percentage distribution of trips produced at residences in the Mountain House project; it does not show the distribution of trips attracted to non-residential uses at Mountain House (see response to C59 for definition of productions and attractions). Under the Proposed Project Scenario, 195,700 trip ends are produced at Mountain House while 254,700 trip ends are attracted to Mountain House, based on the County model trip generation rates. The total number of trips between Bay Area locations and Mountain House is 49,600 (11.4 percent of 195,700 plus 10.7 percent of 254,700).

As discussed previously (Comment C59), Figure 4.14-6A results are not directly comparable to the trip distribution calculations above. Figure 4.14-6A shows the traffic increases (or, in a few cases, decreases) between the No Project and the Project Scenario. Since fixed 2010 land use projections have been used for the Bay Area, the San Joaquin County Travel Model redistributes trips rather than simply superimposing Mountain House trips onto No Project trips. This means that Mountain House trips would, in part, replace trips which, in the absence of that project, would connect other origins and destinations. Consequently, the number of trips added to Altamont Pass cannot be determined by adding project-generated trips to total trips without the project.

For the Market-Constraint Scenario, a total of 34,800 daily trips are projected between Mountain House and the Bay Area in 2010 (19 percent of 149,200 trip productions + 6.8 percent of 94,900 trip attractions). For this scenario, a "select link" analysis of trips across Altamont Pass was done to identify the number of project-generated trips assigned to individual routes in 2010. Based on this, about 20,000 project-generated trips are projected to use I-580, or 21 percent of the projected traffic increase of 95,500 vehicles on I-580. Another 8,000 daily project-generated vehicles are projected to use Altamont Pass Road and 6,000 daily vehicles on Byron Road. These estimates are more indicative of actual potential usage by project-generated trips of I-580 and other routes into the Bay Area.

C70 See response to C69.

- C71 The second footnote on Figure 4.14-6A has been revised to eliminate the incorrect reference to Mountain House Road.
- C72 Under all of the future scenarios tested, substantial traffic increases in traffic are projected on I-580 and I-205. The "negative effect" does not imply a reduction in traffic over time, nor would traffic be "replaced" over time. Rather, the San Joaquin County Travel Model projects a specific level of traffic growth depending on the amount and spatial distribution of population growth in the multi-county region. At some locations, the Proposed Project Scenario, with more employment growth in Mountain House, is projected to result in fewer trips than the No Project Scenario. This is a reasonable result of the gravity model distribution process used in the San Joaquin County Travel Model.
- C73 The travel demand analysis conducted for the DEIR indicates that existing interchange configurations could handle traffic generated by the project's first phase of development. However, beginning the Project Study Report process during the first phase, as suggested in the comment, would reduce the chances of delaying the second phase of project development. It would be in the best interest of the project sponsor, as well as Caltrans, San Joaquin County and Alameda County, to initiate the PSR process for affected interchanges as soon as possible. Mitigation Measure 4.14-3(b) has been revised to clarify this.
- C74 Table 4.14-14A on page 4.14-50 of the DEIR has been corrected as requested.
- C75 Comment noted. Mitigation Measures 4.14-2(a), 4.14-2(b) and 4.14-3(e) call for PSR's and fair share contributions toward mainline freeway improvements for I-580 and I-205. Based on the traffic analysis, no other State Highways would be significantly impacted by the project.
- C76 Table 4.14-15A and 4.14-15B footnotes have been corrected.
- C77 See response to C308.
- C78 Comment noted. Refer to Mitigation Measure 4.14-2(d).
- C79 Comment noted.
- C80 This comment is a list of nine mitigation measures suggested by Caltrans. Responses are shown below for each recommended measure.

**New Patterson Pass/I-205 Interchange.** The DEIR recommends improvements for this interchange (Mitigation Measure 4.14-3(a)).

**Widen I-205 to 8 lanes from I-580 to Tracy Boulevard.** The need for 8 lanes on I-205 is identified in the DEIR. The project should contribute proportionally to this improvement, along with other new development (Mitigation Measure 4.14-2(b)).

**Construct a westbound auxiliary lane from Patterson Pass Road on-ramp to I-580.** The comment discusses a truck separation lane to allow westbound I-205 truck traffic to bypass the I-205/I-580 interchange and continue up the Altamont Pass grade in a truck climbing lane. At the time the DEIR was prepared this improvement was not in any planning documents available for review. Should the truck separation lane become a real project, a westbound auxiliary lane between Patterson Pass Road and I-580 would be critical to minimize disruption to mainline traffic due to weaving activity between traffic using the Patterson Pass westbound on-ramp to I-205 and truck traffic using the westbound interchange bypass lane.



In addition, if the privately financed Mid-State Toll Road currently being evaluated by Caltrans is actually developed (see discussion following), a westbound auxiliary lane on I-205 would be essential between Patterson Pass Road and I-580 to allow three components of the traffic stream to weave without impeding mainline flow: 1) traffic from Patterson Pass Road onto westbound I-205, 2) truck traffic using the westbound truck bypass lane referred to in the comment, and 3) truck traffic (and other traffic) on westbound I-205 using the toll road to continue northwest toward the Pittsburg/Antioch area. The project sponsor should contribute a fair share toward the auxiliary lane, but the project would not generate the need for auxiliary lanes. Without the truck lanes there would be no need for the auxiliary lane.

**Improve the Grant Line Road/I-205 interchange.** See response to C82. Improvements such as those described would be needed to accommodate other cumulative development, primarily the proposed regional mall approved by the City of Tracy north of I-205 at this interchange.

**Improve the Patterson Pass Road/I-580 interchange.** This interchange was not identified as significantly impacted from the Mountain House project. Already-approved industrial projects in the area (e.g., Safeway, etc.), as well as industrial development proposed by the City of Tracy for this area, would generate added traffic which would require interchange improvements such as those described.

**Improvements to the Grant Line Road/I-580 interchange.** The need to identify improvements to this interchange to accommodate project impacts is identified in the DEIR (Mitigation Measure 4.14-3(b)).

**Provide express buses and a carpool program to the Tri-Valley area.** The project sponsor's transportation plan includes subscription bus service to the Tri-Valley and a Transportation Management Organization (TMO) which would be responsible for promoting and coordinating transit use, carpooling and vanpooling for project residents.

**Realign Grant Line Road, with grade-separated crossing of the Southern Pacific Railroad.** This improvement would increase the effectiveness of Grant Line Road as an alternative route to and from the City of Tracy. See response to C83 below.

**Discuss toll road study recommendation of a freeway along Byron Highway.** Conceptual maps obtained from the California Toll Road Company indicate use of the SR 239 alignment that runs northwest from the I-580/I-205 junction west of the Mountain House project, rather than along the Byron Highway.<sup>2</sup> If constructed, the toll road could divert a substantial portion of regional truck and other traffic from I-580 to the new roadway. As a limited access facility, it would not likely serve Mountain House directly. The project is still in early planning stages, and was therefore not assumed in the DEIR analysis.

- C81 The mitigation measure referred to addresses two freeways: I-580 through the Altamont Pass, and I-205 between I-580 and Tracy Boulevard. In order to finance improvements for these freeways major new sources of revenue will be needed. Comment C92 below identifies formation of benefit assessment districts and development impact fees as two possible means of financing freeway improvements needed to accommodate growth. We concur that future growth should pay for

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<sup>2</sup>Dennis Parker, Project Development Manager, California Toll Road Company, telephone conversation with Mike Kennedy, DKS Associates, February 10, 1992, and "California Toll Road Demonstration Program Development Proposal, Mid-State Toll Revenue Facility, submitted to Caltrans by the California Toll Road Development Group, August 1, 1990.

mitigating future impacts, and that assessment districts and impact fees are viable financing tools. The County should be responsible for developing and administering funding programs.

- C82 The project's impacts on the I-205/Grant Line Road interchange would be much less than impacts on interchanges at Patterson Pass Road/I-205 and Grant Line Road/I-580. The proposed regional mall at the northeast quadrant of the interchange, which is included in the No Project scenario, would generate significant additional traffic on Grant Line Road immediately east of the interchange. The project would increase these volumes by about eight percent assuming the Market-Constraint Scenario, and about ten percent for the Proposed Project Scenario. It should be noted that the proportion of project-generated traffic on Grant Line Road may be significantly greater than indicated by the traffic increase relative to the No Project. Nevertheless, it appears from this analysis that the mall would contribute far more to interchange impacts than the project. Since the bulk of traffic to the regional mall would approach on Grant Line Road from the east, the impact of the Mountain House project would be much more pronounced on Grant Line Road west of the proposed regional mall. Here, volumes with the Proposed Project Scenario or Market-Constraint Scenario would be about 2.2 times greater than for the No Project volumes.
- C83 Comment noted. Realigning Grant Line Road to form a continuous roadway east and west of Byron Road, combined with a grade-separated crossing of the Southern Pacific Railroad, would increase the utility of Grant Line Road as a major east-west arterial. A connection with Byron Road at this crossing most likely would require an interchange, which may not be cost-effective or desirable. Nearby access to Byron Road from the project site would be available via Patterson Pass Road. Access between Byron Road and Grant Line Road from the east (Tracy) would not be necessary to accommodate the project, and should therefore not be the responsibility of the project sponsor. Realignment of Grant Line Road as a continuous arterial would increase its utility as an alternative to the potentially congested Patterson Pass Road/I-205 corridor for access to and from Tracy. Mitigation Measure 4.14-4(c) has been added to the DEIR to address this comment.
- C84 Section 4.9 of the DEIR discusses operating revenues and services, not capital facility revenues and expenditures.
- C85 Transportation-related capital costs were estimated by the DEIR traffic consultant in Section 4.14 of the DEIR. A footnote to Table 4.14-6 indicates that costs for possible freeway mainline improvements were excluded because of uncertainty regarding the percentage of these costs that would be shared with other parties.
- C86 Comment noted. For this reason, Section 4.11 of the DEIR addresses the need for better housing affordability.
- C87 Housing affordability is not directly accounted for in the San Joaquin County Travel Model. However, the percentages of internal work trips (24 percent for the Market-Constraint Scenario in 2010, rising to 45 percent for the Proposed Project Scenario), are not necessarily too high considering the housing affordability percentages given in Table 4.11-5 which indicates that almost 40 percent of the housing supply would be affordable to Mountain House employees. Nevertheless, mitigation measures recommended to improve affordability (see Mitigation Measure 4.11-2) should be implemented for the project.
- C88 Comment noted. See response to C59 for discussion of trip distribution effects. In the Market-Constraint Scenario, a higher percentage of Mountain House residents are projected to work in Stockton than in the Proposed Project Scenario, due to fewer on-site jobs. Similarly, higher percentages of Mountain House residents would work in Tracy and other San Joaquin County areas under the Market-Constraint Scenario.



- C89 Figure 4.14-5 shows recommended on-site circulation changes. While the project sponsor would be responsible for improving the Patterson Pass/I-205 interchange, this would be an off-site improvement.

The distance between new off-ramp signals at Patterson Pass Road and the internal minor arterial shown immediately to the north would be between 800 and 1,200 feet. With freeway commercial uses planned for the northwest quadrant of the interchange there would be a substantial weave between the westbound off-ramp and the intersection of Patterson Pass Road with the minor arterial. To ensure adequate weaving distance, the connection with Patterson Pass Road at this point could be eliminated, and the roadway shown across from Von Sosten Road upgraded to an arterial. This would have the additional benefit of reducing the number of signals on Patterson Pass Road, which would function as a major north/south route for through traffic as well as project traffic.

Text has been added to page 4.14-60 of the DEIR and to Mitigation Measure 4.14-6(a), and Figure 4.14-5 has been revised to address this comment.

- C90 See response to C59.
- C91 Comment noted. The need for eight lanes on I-205 has been identified in the DEIR (see Impact 4.14-2) and earlier studies; the project should contribute toward funding this improvement. See also the response to C81.
- C92 Whenever possible, regional transportation improvements should be planned for and financed in a comprehensive rather than piecemeal fashion. Benefit assessment districts and countywide transportation improvement fees represent two ways to supplement revenues from gas taxes and the sales tax.
- C93 The suggested method could be used at the Specific Plan stage for assessing developer impact fees for capacity improvements, consistent with Mitigation Measures 4.14-2(a), 4.14-2(b), 4.14-3(e), and 4.14-4(a).

**Caltrans, District 10, 1/30/92 Fax**

- C94 Comment noted.
- C95 Comment noted. The DEIR provides a thorough analysis of impacts along with a comprehensive list of mitigation measures. While it is not possible to identify the exact nature, scheduling, or cost of these mitigation measures until the Specific Plan or PSR stage, agreements can be required at this General Plan stage to ensure that the appropriate mitigation measures are implemented and funded later.
- C96 Comment noted.
- C97 The DEIR considers an impact significant and identifies mitigation only if it results in the need for transportation improvements. Using up existing or planned future reserve capacity is also an impact, but no mitigation measure would be necessary.

Assessment of a "fair share" toward mitigation costs could be done by considering the project's percentage contribution to total traffic growth on the facility, through a simpler area-wide fee per peak hour trip generated, or alternative mechanisms. We concur that assessment of a "fair share" for the project toward State highway system mitigation costs is the responsibility of the County.

C98 Comment noted. The DEIR was required to consider impacts of the Proposed Project which assumes full buildout of the employment-related uses by 2010. The percentage of internal trips for the Proposed Project was projected by the San Joaquin County Travel Model. We believe the percentage of internal trips is realistic for the jobs/housing balance assumed in this scenario and the mix of trip types.

For work trips, only 45 percent are projected to be internal; this is premised upon the presence of almost 20,000 jobs on-site and reflects the long distances to major competing employment sites such as Hacienda Business Park and Bishop Ranch. (This projection does not consider potential constraints associated with housing affordability). However, work trips make up only about 20-25 percent of all trips. Shopping trips are projected to be largely internal trips (89 percent), and school and other trips would also have higher than average percentages of internal trips. DEIR text (page 4.14-98) has been revised to clarify that nearly 90 percent of shopping trips are projected to be internal.

The DEIR points out that only 44 percent of the employment proposed by the project sponsor could reasonably be expected by the year 2010. Therefore, the Market-Constraint Scenario may be viewed as a more reasonable indication of internal trip-generation of the project.

C99 Under the Market-Constraint Scenario, very little "replacement" of future workers is projected relative to the No Project alternative. For the No Project alternative in 2010, San Joaquin County residents would generate 50,600 daily work trips to/from the Bay Area. In the Market-Constraint Scenario, Mountain House residents are projected to generate 14,400 daily work trips to/from the Bay Area, while other San Joaquin County residents would account for another 50,100 daily work trips, for a total of 64,500. Therefore, Mountain House would displace only about 500 (50,600 minus 50,100) work trips between other San Joaquin County communities and the Bay Area. In other words, of the 14,400 Mountain House work trips to/from the Bay Area, 500 trips would replace work trips that would otherwise occur in the No Project alternative while the remaining 13,900 would represent additional trips to/from the Bay Area.

Under the Proposed Project Scenario, more "replacement" of future workers is projected relative to the No Project alternative. In 2010, Mountain House residents are projected to generate 10,500 work trips to/from the Bay Area while other San Joaquin County residents would generate an additional 43,900 daily work trips, for a total of 54,300. Of the 10,500 work trips generated by Mountain House, 6,700 (50,600 minus 43,900) work trips would replace work trips that would otherwise occur under the No Project Alternative, while the remaining 3,800 work trips would represent additional work trips to/from the Bay Area.

The "interception" of future workers is a logical outcome of the trip distribution process. A key assumption is that the same number of jobs will occur in the Tri-Valley and remainder of the Bay Area with or without the project (i.e., ABAG's projections). Also, with respect to the Proposed Project Scenario, the total number of future San Joaquin employees outside Mountain House is less than for the No Project alternative. Therefore, the replacement of work trips in the Proposed Project Scenario is due to both employment displacement and trip distribution effects.

C100 Figure 4.14-6A does not represent the number of Mountain House trips resulting from the distributional percentages given in Tables 4.14-9 and 10. Rather, the figure shows differences between the No Project and the Project scenarios (the title of the figure has been revised to clarify this). For the Proposed Project Scenario, a total of about 42,000 daily trips are projected between the Mountain House site and the Bay Area; most but not all of these trips would use I-580 through the Altamont Pass. However, the Proposed Project Scenario would displace many trips that are projected to occur in the No Project Alternative (see response to C99 above). The net result is that



the Proposed Project would only increase I-580 traffic by 5,000 daily vehicles above levels projected for the No Project Alternative. This latter number is intended to indicate the net traffic impact of adding the project to other cumulative development, not to infer "fair share" contributions of the project to traffic growth.

#### **Alameda County, Public Works Agency**

- C101 Figures 4.14-6A shows traffic volume differences between the No Project and the Proposed Project Scenario. Similarly, Figure 4.14-6B shows traffic volume differences between the No Project and the Market-Constraint Scenario. The figures do not show the number of trips to and from the project. (The titles of these figures have been revised for clarification.) Due to displacement by the project of some trips that would use Altamont Pass in the No Project Alternative, the net increase of traffic shown in the figure is less than the number of project trips calculated from the trip distribution percentages. For example, Table 4-14.12A shows 168,500 daily vehicles on I-580 at Altamont Pass under the No Project alternative. With the Proposed Project land use revisions, a total of 173,400 daily vehicles are projected, for a net increase of 4,900 daily vehicles associated with the Proposed Project. The figures identify locations significantly impacted by the project. However, since they do not represent project-generated trips, they should not be used for assessing the project's "fair share" of mitigation.

The Market Constraint Project Scenario, considered to be the more realistic of the two project scenarios analyzed, represents worst-case impacts on I-580. As shown in Figure 4.14-6B and Table 4.14-12B, total ADT with the Market Constraint Project would be from 17,000 to 18,000 greater than without the project. However, with implementation of the market constraint project, many of the trips under the No Project Scenario on I-580 would be replaced, in effect, by project trips.

A "select link" analysis of I-580 at the Altamont Pass was conducted to determine where traffic at this point would be coming to and from. The select link results indicate that the project would account for a total of about 20,000 ADT, or about 11 percent of the total I-580 daily volume at this point. Altamont Pass Road and Byron Road would also carry significant amounts of project-generated traffic to and from the Bay Area (see response following). Based on the select link analysis, a total of about 33,500 daily vehicles to and from the project site would be carried on I-580, Altamont Pass Road and Byron Road under the Market-Constraint Scenario.

- C102 Figure 4.14-8A shows traffic volume differences between the No Project and the Proposed Project Scenario, not the number of vehicles to and from the project site. These figures help to identify roadway locations significantly impacted by the project. The differences are calculated by subtracting the projected volume for the No Project from the projected volume for the Proposed Project, consistent with Tables 4.14-14A and 4.14-15A. Similarly, Figure 4.14-8B shows traffic volume differences between the No Project and the Market-Constraint Scenario; these are consistent with results given in Tables 4.14-14B and 4.14-15B. Titles on the two figures have been revised to clarify that the volumes do not represent trips to and from the project site. The figures are intended only to show the net traffic increase associated with addition of the project to other cumulative growth. The figures should not be used for assessing the project's "fair share" of mitigation.

Select link analysis based on the Market-Constraint Scenario was conducted for Byron Road (northwest of the project site) and Altamont Pass Road, the other primary routes to and from the Bay Area in addition to I-580. The results show that the project would account for about 7,500 of 13,700 ADT on Altamont Pass Road (55 percent of the total daily vehicles on Altamont Pass Road) and 6,200 of the 14,800 daily vehicles, or 42 percent, on Byron Road northwest of the project site.

- C103 See response to C35.

C104 See response to C17.

C105 Refer to response to C101 regarding future peak hour conditions and the resulting spread of the peak period due to regional growth, which includes the project.

In addition, refer to response to C340. According to Caltrans, under current air quality rules, the only capacity-increasing projects that could be approved are HOV lanes, and current State statute prohibits HOV lanes in unincorporated Alameda County. Strict interpretation of this comment implies that the only mitigation available in the I-580 corridor would be transit (rail or bus) improvements such as those being addressed in the Altamont Pass Rail Corridor Study being undertaken by San Joaquin County. While commuter rail service could reduce peak hour traffic, it is not anticipated by itself to mitigate future conditions to acceptable levels. The proposed Mid-State Toll Road facility, using the SR 239 alignment between Tracy and Brentwood, could divert substantial traffic, particularly truck traffic, off I-580 through the Altamont Pass; this project is still in the conceptual planning stage, however.

Other freeway widening needs identified in the DEIR such as I-205 are not restricted by State statute and may be approvable, particularly if HOV lanes are added in accordance with air quality requirements. Level of Service D could be obtained on I-205 with eight lanes and auxiliary lanes between Patterson Pass Road and 11th Street. The need for this freeway widening is due to cumulative growth, and is projected with or without the project.

C106 The DEIR evaluates impacts of the project using a regionwide travel forecasting model calibrated for average daily traffic on all key roads in the County. Intersection level of service impacts were not evaluated due to the nature and scope of a General Plan amendment with a 20-year buildout in an area that is largely undeveloped at present. Intersection level of service analysis would be appropriate and desirable at the Specific Plan stage. (See also response to C310 regarding use of City of Tracy model for intersection analysis.)

C107 Comment noted. The feasibility of widening Altamont Pass Road would require further study. The DEIR identifies the need for additional capacity based on projected demand, and provides a planning level cost estimate consistent with the scope of the DEIR. A detailed cost estimate would be an appropriate component of a feasibility study.

C108 Comment noted.

C109 San Joaquin County, with the participation of Alameda and several other counties, has initiated a comprehensive Altamont Pass Rail Corridor Study, including an analysis of alternatives, financing and preliminary engineering, as provided for in Proposition 116. Both the Southern Pacific and Union Pacific railroad alignments will be evaluated for passenger rail service between Stockton and the Bay Area. The I-205/I-580/I-680 highway corridor will also be evaluated. None of the alignments is within the project site, but could be served by feeder bus service and park-and-ride. The project sponsor has proposed to provide feeder bus service to the nearest commuter line station.

Mitigation Measure 4.14-1(j) has been added to further address potential needs and opportunities for access from the project site to future Altamont Pass commuter bus or rail service, expanding on text previously included in Mitigation Measure 4.14-1(d). The added measure recommends setting aside land near the project site for a passenger station and contribution of a "fair share" toward the cost of a station opposite the site should projected patronage levels warrant it. The nature, location, and cost of a station would depend on the level of anticipated patronage and the selected alignment.



- C110 Comment noted. The need to widen Altamont Pass Road is identified in the DEIR, along with a planning level cost estimate, in Table 4.14-16 on page 4.14-57. With projected congestion on I-580, 7,500 daily vehicles to and from the project site are projected on Altamont Pass Road, or 55 percent of the 13,700 total vehicles projected by 2010, under the Market-Constraint Scenario. The discussion of an HOV lane on Grant Line Road is based on improvements already proposed by the project sponsor, but is not intended to diminish the need to develop additional east-west capacity through the Altamont Pass.
- C111 Under the Market Constraint scenario, approximately 6,300 daily vehicles to and from Mountain House are projected to use Byron Road north of the project site in 2010. Of these, about 5,600 daily vehicles would use Byron Road for travel between the Mountain House project and Contra Costa County locations. Only about 200 daily vehicles are projected to use Vasco Road for travel between the project site and Contra Costa County; this relatively low volume is due to the location of the project site relative to Vasco Road. These estimates are based on a "select link" analysis of the projected trips on individual facilities.

As noted for the response to C59, the net change in volumes over the No Project alternative on the roadways mentioned are different (see table in response to C17. For example, the Market-Constraint Scenario is not projected to significantly increase 2010 traffic on Byron Road in Contra Costa County beyond levels projected for the No Project. In other words, project-generated traffic would replace a roughly equal amount of non-project-generated traffic on Byron Road. On the other hand, an increase of 3,000 daily vehicles is projected on Vasco Road north of I-580 under the Market-Constraint Scenario relative to the No Project alternative. Since only 200 project-generated trips are projected to use Vasco Road, the increase appears to be due to effects of traffic redistribution on non-project traffic in the corridor.

- C112 Comment noted. Mitigation Measure 4.14-2(a) already contains a reference to Alameda County participation. Mitigation Measure 4.14-4(a) on page 4.14-54 of the DEIR has been revised to add a reference to Alameda County.
- C113 Traffic noise impacts associated with the proposed project are discussed on page 4.16-9 of the DEIR. The traffic noise analysis was done for all the streets studied in the transportation analysis. It was concluded that noise impacts would be confined to an area bounded by Mountain House Road, Hansen Road, and Interstate 205. This would include a portion of Alameda County along Grant Line Road and Mountain House Road. We believe that Mitigation Measure 4.16-2 would be a feasible approach to reducing these impacts. Other than this area, no significant traffic noise impacts are expected.

The most effective means of reducing air quality impacts along roadways in Alameda County is trip reduction. Trip reduction involves eliminating vehicle trips at the source. It is effective in reducing both localized and regional air quality impacts. The following mitigation measures in the DEIR address the reduction of external vehicle trips that would affect Alameda County roads: measures 4.15-1(b), 4.15-1(d), 4.15-1(e) and 4.15-1(g).

#### **Contra Costa County Public Works Department**

- C114 The East Contra Costa County Airport is located off Armstrong Road which connects to Byron Road to the north. The DEIR for the Airport Master Plan estimates an increase of 450 daily vehicles on Byron Road on an average day in the year 2005. This is a small fraction of the total of 23-26,000 daily vehicles projected on Byron Road near Armstrong Road. The projected airport traffic is associated with spillover from Buchanan Airport and growth in Eastern Contra Costa County and would therefore occur with or without the Mountain House project.

The East Contra Costa County Airport is not specifically included in the traffic forecasts as a special generator. However, the San Joaquin County travel model includes projected growth for Contra Costa County (based upon MTC and ABAG projections) using standard population and employment categories for trip generation. Therefore, traffic growth between the project site and Contra Costa County is accounted for in the traffic analysis.

The Mountain House project could contribute to further increased activity at the airport, but the number of vehicle trips to and from the project site would likely be a small in comparison to those already projected since the primary market area of the airport is eastern Contra Costa County and there are alternative general aviation airports in San Joaquin County. Also, all daily trips to and from Mountain House are accounted for in the trip generation rates used. It is therefore assumed that the airport would not increase projected trips to and from the Mountain House project beyond levels already projected.

The noise impact section, page 4.16-6 of the DEIR, has been revised to respond to this comment, and a mitigation measure added to reflect the potential noise impacts associated with aircraft overflights.

C115 The roadway improvements outside San Joaquin County were limited to the most current STIP and to roadways represented by the skeletal network represented in the model (see the report entitled *Travel Model Development*, DKS Associates, January 1992 which is available from the County Community Development Department and SJCCOG).

C116 The San Joaquin County Travel Demand Model used for the DEIR traffic analysis is based on average weekday traffic. The DEIR freeway capacity and level of service analysis is based on the weekday PM peak hour, which is when roadways generally carry the highest volumes of the day. It is true that I-205 carries high traffic volumes on weekends. However, raw count data from I-205 at Hansen Road furnished by Caltrans for the first two weeks of March 1991 and July 1990 showed that the weekday PM peak hour is the highest hourly volume in the critical eastbound direction. The March data showed the Tuesday through Thursday evening peak hour to be about 60 percent higher than the Friday through Sunday evening peak hour. For the July data, the weekday peak hour was about 30 percent higher than the weekend peak hour.

C117 Comment noted regarding the jobs to housing balance. The Market-Constraint Scenario evaluates the impacts of a lower ratio of jobs to housing.

In 2010, up to 14,000 daily work trips are projected to be made by Mountain House residents traveling to or from the Bay Area. Considering the diversity of Bay Area destinations, this commute market alone is not likely to warrant commuter rail in the Altamont corridor or to Pittsburg. However, San Joaquin County plans to begin the Altamont Pass Rail Corridor Study which will evaluate feasibility of commuter transportation in the broader market between Stockton and the Bay Area. The additional commute travel between Mountain House and the Bay Area would contribute significantly to ridership in the corridor.

C118 The Southern Pacific line to Pittsburg is on a separate right-of-way five miles north of the Altamont Pass line. It would therefore not be possible to serve both lines with the same transfer station.

C119 Comment noted. Tables 4.14-15A and 4.14-15B in the DEIR compare conditions on nearby County roads with and without the project (Proposed Project and Market-Constraint Scenarios, respectively). The Market-Constraint Scenario is considered by the EIR consultant to be the more likely scenario to actually develop. Under the Market-Constraint Scenario, the difference with and without the



project is negligible for 2000, 2005, and 2010 for that portion of Byron Road northwest of Mountain House Road.

The project would, however, contribute significantly to the total traffic volume on Byron Road even though the difference with or without the project would not be substantial. Under the Market-Constraint Scenario, the project would account for some 42 percent of the total volume on Byron Road by 2010, indicating that development of Mountain House would replace a similar amount of traffic growth on Byron Road that would occur without the project. The need to widen Byron Road is identified in the DEIR in Table 4.14-16 on page 4.14-57.

- C120 Tables 4.14-15A and 4.14-15B on pages 4.14-55 and 4.14-56 of the DEIR show the differences in traffic volumes between the No Project Alternative and the Proposed Project and Market-Constraint scenarios, respectively. They do not show the amount of traffic on a given highway segment to or from the project, and therefore should not be used to determine "fair share" contributions toward mitigation. The intent of the tables is to show how conditions would differ with and without the project and to identify locations where future traffic levels are significantly impacted with the development of the project.

For the Market-Constraint Scenario, an estimated 6,300 daily vehicles to and from the project would use Byron Road in 2010, based on a "select link" analysis. The difference in total volumes with and without the project is minimal, which indicates that other trips would replace the traffic added by the project if the project were not developed.

- C121 Tables 4.14-9 and 4.14-10 on page 4.14-22 indicate that, with the Proposed Project Scenario, six percent of work trips and two percent of all trips generated by Mountain House residents would have destinations in Contra Costa County in 2010. Under the Market-Constraint Scenario, eight percent of the work trips and four percent of all trips by project residents would be to Contra Costa County in 2010. The Mountain House project would generally not increase traffic in Contra Costa County over levels projected for the No Project Alternative. (This assumes that population and employment growth in Contra Costa County would be the same with or without the project.) Exceptions are Byron Road (a projected increase in 2010 of 4,000 to 7,000 daily vehicles east of Mountain House Road and a projected increase of up to 3,000 daily vehicles to the west, relative to the No Project Alternative); State Route 4 (a projected 2010 increase of 4,000 to 5,000 daily vehicles relative to the No Project); and Camino Diablo (a projected 2010 increase of 3,000 to 4,000 daily vehicles relative to the No Project). These projections are summarized in the table accompanying the response to C17.

#### **San Joaquin County Department of Parks and Recreation**

- C122 We concur that appropriate language regarding the creation of funding mechanisms to help pay for parkland should be included in the Specific Plan, as stated in Mitigation Measures 4.3.1-1. New language has been added to this mitigation measure.
- C123 The commentor is correct in that providing a public golf course would ensure unrestricted access and could help to offset the deficiencies in regional park acreage if the County considers golf courses to be regional parkland. New language has been added to pages 4.3-4 through 4.3-6 of the DEIR, including a new mitigation measure.

#### **Alameda County Planning Department**

- C124 As shown in Table 5.1-2 and in the text of Chapter 5 of the DEIR, the Reduced-Scale Alternative would have fewer impacts than the North Livermore Alternative for a number of issues, primarily due to the reduced acreage needed for development and the associated reduction in employment and

residential growth. For some issues, as noted in this comment, the North Livermore Alternative site would be preferable to the site of the proposed project which is the site of the Redesigned and Reduced-Scale alternatives.

- C125 The text on page 5-36 of the DEIR has been changed to reflect this information.
- C126 Page 5-39, paragraph five, has been changed to state that the adequacy of the water supply to serve the North Livermore Alternative site has not been determined.
- C127 Page 5-40, paragraph two, has been changed to state that options to increase the treated wastewater export capacity from the Livermore Amador Valley are being explored by the Tri-Valley Wastewater Authority. A portion of this additional capacity could serve the North Livermore Alternative site.
- C128 Figure 6.1 has been revised. Table 6.1-1 and Figure 6.1 have been amended to include the New Jerusalem Expanded Community. When appropriate, this community was identified in the analysis of cumulative impacts. It should be noted that the traffic and air quality analyses included the proposed new towns in San Joaquin County under the Market-Constraint Scenario. New text has been added to page 6-1 of the DEIR to reflect this fact.
- C129 The applicant would need to guarantee that adequate land will always be available for disposal of reclaimed wastewater. This requirement has been added to Mitigation Measure 4.4.2-1(b) on page 4.4-21 of the DEIR. Reclaimed wastewater irrigation could occur on lands that are used for irrigated farmland and that are under Williamson Act Contract.
- C130 A summary of potential growth-inducing impacts has been added to the end of Table 2.1 in the DEIR. The 1,000-foot buffer along the westerly property line would not only reduce land use conflicts, but would also discourage the continuation of roadways and development patterns onto lands in Alameda County. This buffer zone would curtail the growth-inducing potential of the proposed project.

Whatever method is used to retain agricultural lands in conservation easements or land trusts, San Joaquin County staff and the applicant should consider the lands in Alameda County adjacent to the project site. If lands in Alameda County on which the applicant holds an option are used as off-site mitigation, a conservation easement should be applied. Such an easement would also reduce the growth inducement potential of the project on adjoining land. The particulars of the establishment and funding for an agricultural land trust should be resolved prior to adopting the Specific Plan.

#### **Contra Costa County Community Development Department**

- C131 Unlike lands in Alameda County which are located adjacent to the project site, it is unlikely that large tracts of agricultural land in Contra Costa County would develop in the near future as a direct result of the Mountain House project because these lands are physically separated from the Mountain House site by Delta Mendota Canal, the California Aqueduct, and the Clifton Court Forebay. At some future time, applications may be submitted for these lands unless conservation easements or land trusts have been established. Retaining an agricultural land use designation on these lands is a policy decision to be sustained by Contra Costa County. New text has been added to the second paragraph on page 4.1-14 of the DEIR.
- C132 Although not directly tied to each finding, the discussion on page 4.1-14 following Impact 4.1-1 relates to the findings for Williamson Act Contract cancellation. Ultimately, findings must be made by the Board of Supervisors, especially those regarding public concerns outweighing objectives of the Williamson Act. This type of finding cannot be objectively evaluated in the DEIR.



C133 A buffer zone between the project site and Contra Costa County agricultural lands was not considered because of the physical barriers in place. In the northwest corner where the Contra Costa County line borders the project site, the Delta Mendota Canal provides a wide physical buffer, thereby eliminating the need to provide an additional buffer on site. Refer to the response to C131.

Depending upon the use of the buffer, e.g., parkland, golf course, etc., the applicant could deed the development rights to San Joaquin County. New language has been added to page 4.1-18 regarding permanent development restrictions for the recommended buffer areas.

C134 Comment noted. A correction has been made to page 4.2-6 of the DEIR and Figure 4.2-1.

C135 As the commentor noted, the general adverse influences on levee stability in the Delta, including land surface subsidence, increases in sea level, and seismic shaking, were identified in the DEIR on pages 4.7-5 through 4.7-7. The specific level of impact of these influences on the existing or any proposed levees in the Delta is dependent on the structural stability of these structures and the underlying earth materials. The DEIR presented the impact of potential flooding at the project site in Impact 4.7-1, page 4.7-7 and 4.7-8. The mitigation of the flooding potential presented in the DEIR was for improvement of the levees protecting the project site to remove the currently identified flood-prone areas from the 100-year flood zone. In the process of obtaining a "Letter of Map Revision" for the affected areas of the project site, the reviewing agencies, including the San Joaquin County Public Works Department, are responsible for evaluating potential changes in flooding potential in areas downstream and upstream of the proposed levee improvements. The potential impact of flooding on public health and safety has been added to page 4.12-14 of the DEIR in response to this comment.

C136 Impacts would occur to the Contra Costa County Marine Services Bureau as a result of the proposed project. Discussions with staff of the Bureau indicate that the County is responsible for patrolling from San Francisco Bay to Suisun Bay, the Carquinez Straits, and the Delta. The Bureau currently employs four full-time patrolmen with 20 reserve officers (Carpenter, 1992). Because of the large geographic area to be patrolled and the lack of marine patrol officers, the Bureau is unable to effectively cover their entire service area. The proposed marina would be located in close proximity to waters patrolled by the Contra Costa County Marine Patrol Service Bureau. The additional boat traffic would increase the demand for the Bureau's service. Mitigation Measure 4.34-2(b) on page 4.3-15 of the DEIR has been expanded to require that fees also be paid to the Contra Costa County Marine Services Bureau.

C137 Table 4.14-2, pages 4.14-10 through 4.14-12, is separated into two sections. The first section shows AM peak hour LOS while the second shows the PM peak hour LOS. Directional LOS is not shown, although the overall roadway LOS is determined by the traffic volume in the peak direction. Figure 4.14-4 on page 4.14-8 combines the AM and PM peak hour LOS values from the two sections of the table.

C138 The growth projections reflect population growth and development activity in adjacent counties. Please refer to "Growth Forecast for San Joaquin County", prepared by Economic and Planning Systems, Inc., 1991, which is available from the San Joaquin County Community Development Department.

C139 See response to C138.

C140 Roadway improvements assumed for model analysis are documented in Appendix E of "San Joaquin County Travel Model Development", DKS Associates, 1992, available from San Joaquin County Community Development Department. Only improvement projects listed in the 1990 STIP for

roadways that are in the highway network were included. In Contra Costa County, where the highway network is relatively aggregated, the assumed improvements include I-580 freeway widening from I-80 to the Richmond-San Rafael Bridge, the planned North Richmond Bypass, I-680 widening between Willow Pass Road and the Benecia-Martinez Bridge, and widening of the Benecia-Martinez Bridge.

- C141 Comment noted. The correct reference should be *ITE Trip Generation, 4th Edition* (1987). The rates shown in the tables are those used in the model, which are based on a variety of land use categories in the 4th Edition. The in/out splits shown in Table 4.14-3 on page 4.14-17 are from the 5th Edition but are shown for illustrative purposes only.
- C142 See response to C111.
- C143 Projected future traffic volumes on Vasco Road are included in a table in response to C17, and are also discussed in response to C111. Few, if any, trips between the project site and Contra Costa County are projected to use Vasco Road since Byron Road would be a more direct route to the same destinations.
- C144 Modeling procedures and assumptions are detailed in *San Joaquin County Travel Model Development*, DKS Associates, 1992, available from San Joaquin County Community Development Department. The San Joaquin County Travel Model was expanded to include the nine-county Bay Area, the Sacramento region, Stanislaus County, and mountain counties. Bay Area zones were aggregated from MTC analysis zones, with MTC zones used near the San Joaquin County boundaries and superdistricts used farther away. Existing and 2010 trip ends were obtained from MTC, and are based on ABAG Projections '90 land use forecasts. A skeletal network was defined consistent with the zones used.

Since the model was expanded to include the Bay Area in its entirety, external stations are not defined between San Joaquin County and Contra Costa County. Instead, highway network links, connected to Contra Costa County zone centroids, are used. The trip distribution and assignment steps include all zones within the expanded model area, including Contra Costa County zones.

- C145 The network used in the model for future traffic forecasts includes committed future improvements. There are many projects that have been discussed (e.g., a Mid-State Toll Road, a second Bay Bridge, commuter rail between the Bay Area and Stockton) that may or may not be constructed by 2010, including State Routes 84 and 239. Neither facility appears in the adopted STIP or the PSTIP. Neither the Caltrans Route Concept Reports for these facilities or the conceptual Mid-State Toll Road alignment for Route 239 show it ever entering San Joaquin County; the alignment is west of the Alameda County/San Joaquin County line. The most current information for State Route 239 is the conceptual alignment which will be shown in the Mid-State Toll Road Study; this alignment does not follow Byron Road as does the Route Concept Report. In any case, the purpose of the DEIR is to study the impacts of the proposed project, not the impacts of potential new State Routes.
- C146 Comment noted. The project includes recreation, riding, and hiking trails only within the project site. The DEIR recommends that connections to existing bicycle facilities into the City of Tracy and along Altamont Pass Road be provided. The only reasonable bicycle commuting would be to and from the City of Tracy; no other employment sites are within reasonable bicycle commuting distance (i.e., five to six miles).
- C147 Transportation impacts that extend beyond county lines should be mitigated. But because transportation impacts to major road systems are likely to be occurring from a number of different

sources within a region, delineation and imposition of equitable impact fees is difficult to accomplish, requiring the participation of all jurisdictions responsible for approving development projects.

C148 Comment noted. The text of Mitigation Measure 4.11-2 has been changed to reflect this suggestion.

C149 The DEIR acknowledged the presence of the kit fox in the general vicinity of the Mountain House site. (Refer to page 4.13-15 and Figure 4.13-18.) The scope of work for this DEIR did not include off-site surveys for this species. The DEIR biologist, in consultation with federal and state wildlife agency staff, concluded that the San Joaquin kit fox may use the levee of Old River as a travel corridor. It was along the levee that several potential den sites were found, reports of sightings by residents occurred, and a track was obtained which looked more like that of a kit fox than other related species. Mitigation Measure 4.13-1(e) calls for an additional survey to confirm whether the kit fox uses the project site. Because only one track was found during the course of the survey, an additional spring survey was recommended to confirm whether the kit fox uses the levee as a corridor or uses other areas of the project site for breeding, feeding, or weaning purposes. The spring study will identify the appropriate mitigation measures if the fox is found on-site. These measures may include on-site or off-site mitigation. If off-site mitigation were recommended, the land use plan would not change, although such acquisition should occur prior to adoption of the Specific Plan. If on-site mitigation were recommended, another General Plan Amendment would be required. In either event, a "taking" under endangered species law would not occur. Refer to the changes made to Mitigation Measure 4.13-1(e) on page 4.13-28 of the DEIR.

C150 Refer to response to A3 regarding the Delta smelt. Data provided for the months of January through March and November through December of 1989 show that the Banks Pumping Plant pumped an average of 350.0 million acre-feet per month. The project would require pumping an average of 408 acre-feet per month, which is a minute fraction of the total pumping at this plant (Refer to the response to C336.) Thus, impacts on fish would not be expected to be significant. This issue could be further evaluated at the time of the Specific Plan, as indicated in the new Mitigation Measure 4.13-4(e).

C151 A discussion of cumulative air impacts of new towns proposed in San Joaquin and cumulative growth in San Joaquin County and the San Joaquin Valley air basin is provided on page 6-18 of the DEIR.

C152 Comment noted.

#### **San Joaquin County Air Pollution Control District**

C153 Comment noted. Refer to the response to C21.

C154 The relationship of proposed mitigation measures to the Transportation Control Measures contained in the *1991 Air Quality Attainment Plan* is discussed in response C21. All transportation and land use measures listed have been included in the Mitigation Monitoring Program in the DEIR (Chapter 7 of the DEIR). The listed mitigation measures identified in this comment include five not included in the DEIR:

- Provision of low NO<sub>x</sub> burning water heaters and space heaters;
- Installation of natural gas fireplaces;
- Assurance that educational material regarding ridesharing is distributed to each new homeowner;



- Provision of electric lawnmowers and electric blowers with sale of each unit; and
- Stubbing of a natural gas line to the backyard of each home for a barbecue unit or the installation of an electric barbecue unit to avoid the use of charcoal burning units.

These measures have been added to the mitigation measures described on page 4.15-11 of the DEIR.

C155 Data on the quantitative reduction emissions that can be expected from individual mitigation measures is very limited. Many of the measures proposed in the DEIR have yet to be fully implemented anywhere in California despite their being identified as Transportation Control Measures for consideration under the California Clean Air Act. Some, such as trip reduction measures, have been implemented in various localities for the purpose of congestion avoidance, and not necessarily for air quality purposes. As discussed in response C21, the proposed mitigation measures include all "reasonably available" TCMs (applicable to an individual project) as identified in the *1991 Air Quality Attainment Plan*. This document, however, provides little guidance on quantification of the effectiveness of these individual TCMs, particularly for an individual project.

The effectiveness of certain mitigation measures has been well documented. Of the air quality mitigation measures proposed, the following estimates of effectiveness (as measured by percent reduction in total emissions as compared to non-controlled equipment) are available (San Joaquin Valley Unified Air Pollution Control District, 1992 and Ventura County Air Pollution Control District, 1989):

- Use of Low-NO<sub>x</sub> water heaters: 25 to 30 percent
- Use of Low-NO<sub>x</sub> space heaters: 60 percent
- Use of EPA-Certified Woodstoves: 70 to 90 percent

The estimation of the effectiveness of various transportation measures is made more complicated by the interrelationship of the measures. For example, the effectiveness of efforts to avoid trips through TDM programs will be partially determined by the availability of alternative modes (transit, bicycle path system, park and ride lots). Also the effectiveness of individual measures may not be additive. For example, an employer-based trip reduction program based on vanpooling might reduce trips by five percent, while an employer-based trip reduction program based on carpooling may reduce trips by ten percent. An employer-based trip reduction program based on both vanpools and carpools is likely to be less than 15 percent effective, which is the sum of reductions of the individual measures, because there is a finite number of individuals willing to use modes of travel other than individual automobiles.

Comprehensive trip reduction programs (alternative work schedules, telecommunications, carpooling, van pooling, and transit) together with efforts to promote non-auto travel (pedestrian and bicycle incentives) have been generally estimated to be capable of reducing vehicle emissions by 12 to 30 percent. Mode shift measures (transit incentives, HOV facilities, transit improvements) are capable of reducing emissions by about one to five percent. Traffic flow improvements generally would reduce emissions by one to four percent (Ventura County Air Pollution Control District, 1989. Southern California Association of Governments, 1991, and Bay Area Air Quality Management District, 1985).

Based on the above considerations, the effectiveness of the proposed mitigation measures in reducing impacts given on page 4.15-9, second paragraph, has been lowered to 10 to 20 percent. This is the EIR author's best estimate based upon the above generalized effectiveness for individual measures, mutually-supportive nature of the proposed transportation and land use measures, and the inclusion



of measures that would partially offset project emissions through reductions in non-project emissions (measures 4.15-1(b) and 4.15-1(i)). The wide range given reflects the uncertainty in mitigation effectiveness inherent in the TCMs.

- C156 Comment noted. Refer to page 4.15-15 regarding fugitive dust regulations.
- C157 The suggested construction mitigation measures are essentially contained in Mitigation Measure 4.15-3. This measure requires that a construction mitigation plan be prepared that would be reviewed and approved by the local air pollution control district before construction could begin.
- C158 Mitigation Measure 4.15-1(f) identifies that new homes should use EPA-certified woodstove/fireplace inserts or natural gas fireplaces.
- C159 The need for any stationary sources within the proposed project to meet the San Joaquin Valley Unified Air Pollution Control District's regulations was noted on page 4.15-9 of the DEIR. A new Mitigation Measure (4.15-1(j)) has been added to Section 4.15 of the DEIR.)
- C160 Mitigation Measure 4.15-3 requires that a construction mitigation plan be prepared that would be reviewed and approved by the local air pollution control district before construction could begin. The recommended plan should identify scheduling and notification requirements.
- C161 The San Joaquin County Community Development Department (SJCCDD) has been noted in Chapter 7 as the main agency responsible for maintaining records regarding monitoring of air quality-related mitigation measures. The Air District has been identified for construction-related monitoring. However, the SJCCDD could provide all records to the Air District upon request.
- C162 Comment noted.

#### **Tracy Public Schools**

- C163 This information is noted and has been incorporated into the DEIR on page 4.3-9.
- C164 New language has been added to page 4.3-10 of the DEIR to reflect this issue; it is indicated as a less-than-significant impact. Site planning for the school facilities would be completed when the Specific Plan is prepared. The Specific Plan should reflect the concerns of the School District and designate high school locations as indicated in the commentor's letter. The commentor should also refer to the Redesigned Alternative and the Reduced-Scale Alternative in Chapter 5 of the DEIR.
- C165 Refer to C164.
- C166 Refer to C164.
- C167 Comments noted.
- C168 This correction is noted and page 4.3-7 of the DEIR has been changed accordingly.
- C169 This correction is noted and page 4.3-7 of the DEIR has been changed accordingly.
- C170 This information has been incorporated into the DEIR on pages 4.3-7 and 4.3-10.
- C171 The impact to the high school district bus service has been incorporated in the DEIR on page 4.3-9.

- C172 Mitigation Measure 4.3.2-1 and Table 4.3-3 have been changed to reflect this new information.
- C173 The discussion provided with Impact 4.3.2-2 points out that the developer is proposing to build the high school in Phase II. The recommended high school construction schedule suggested in Mitigation Measure 4.3.2-2 responds to the impact. The text has been clarified to reflect the need for construction of an on-site campus to begin during Phase I.
- C174 At this General Plan level of analysis, Mitigation Measure 4.3.2-2 is adequate, especially because Table 4.3-3 is referenced in the Mitigation Measure. Details of the specific needs of the high school would be included in the Specific Plan.
- C175 Comment noted. The summary table, Table 2.1, has been changed accordingly.
- C176 A change to the text on page 4.9-19 of the DEIR has been made in response to this comment.
- C177 Table 4.10-1 on page 4.10-4 of the DEIR discusses the breakdown of school costs in a footnote; this was done to keep the main body of the table as simple and readable as possible. The derivation of school impact fees is presented in Appendix 10.20, and is based upon discussions with staff of the two districts in question. A correction has been made to Table 4.10-1 to adjust the fifth column regarding schools.
- C178 If the developer does not build housing in the numbers and sizes noted in the DEIR Appendix 10.20, then school impact fees noted in Table 4.10-1 may indeed be too high. The average square footages assumed were considered reasonable.

#### **San Joaquin Farm Bureau Federation**

- C179 The proposed project does not include use of water above the 8,125 AF/year available water supply. Intensive water conservation and reuse are proposed methods of reducing the project demand to this level. As described in Mitigation Measure 4.4.1-4(d) on page 4.4-13 of the DEIR, the project water demand could be reduced by a reduction in project density, as suggested by the commentator, especially if other strategies were found to not successfully result in water demand reductions.
- C180 The proposed project's water demand, as described in the DEIR, does not include use of riparian rights or groundwater to meet the project water demand. No changes or special provisions to allow their use are anticipated at this time. In a February 10, 1992 letter from Neumiller and Beardslee (the proponent's attorney) regarding the Mountain House water supply, it is indicated that the riparian rights for lots north of Byron Road could be used to increase the water supply for the project. If, contrary to expectations, demand is not reduced to 8,125 acre feet per year, or less, riparian water could be used for the project, according to the project proponent. Riparian water usage on lands within Mountain House has averaged 4,942 acre feet per year in the past. As in any case, the extent of this riparian entitlement depends on need and availability, but the past average riparian use on lands within the project site indicates an adequate supply to meet total demand of the project. Riparian water could be used for Municipal and Industrial (M&I) purposes and no State Water Resources Control Board (SWRCB) approval would be necessary, according to the project proponent. Diversion could be directly from Old River or could be combined with the point of the BBID M&I diversion, as long as this measure were consistent with the law of riparian water rights. The riparian water could be treated in the same treatment plant as the BBID water and co-mingled with the BBID water, the general limitation being that no more riparian water could be diverted than could be reasonably and beneficially used on the riparian land within the project site. Riparian water does not have a time of use limitation. The land with riparian rights is the portion of the project site north of Byron Road, according to the project proponent.

The land north of Byron Road could be subdivided and each of the new parcels (both adjacent to Old River and interior) could maintain its riparian status via correct drafting of deeds wherein the riparian rights are reserved. Although current use is estimated at 4,942 acre feet per year, it is possible that this use could decline since riparian rights are limited to what is beneficially used, and urban uses may consume less water.

However, as noted in the February 10 letter, the net environmental impact of the project on water consumption appears to be beneficial due to a reduction in total water use. The water usage at the site has averaged 8,125 AF/year from BBID, 700 AF/year from the Westside Irrigation District, 4,942 AF/year from the riparian rights, water removed from 12 domestic wells on the site, and a small amount of water from the Plain View Irrigation District for a total of more than 13,787 AF/year. The total water proposed to be used at the project site would be reduced from this past total water use to 8,125 AF/year.

- C181 The proposed project includes obtaining winter water rights to meet winter water demands. Mitigation Measure 4.4.1-3 on page 4.4-10 includes a provision that a reliable and year-round water supply must be demonstrated prior to approval of the Specific Plan. The proposed project does not include use of water above the 8,125 AF/year level.
- C182 The proposed project does not include use of groundwater to meet the project water demand. Using groundwater would only be considered if annexation to BBID were not approved. Annexation to BBID is the first choice to secure a water supply for the proposed project. Should groundwater be considered, a comprehensive groundwater master plan to prevent overdrafting would be required. Mitigation Measure 4.4.1-1(b) on page 4.4-7 includes requirements that evaluating the use of groundwater must include a thorough hydrogeologic assessment of the local aquifers prior to approval of the Specific Plan.
- C183 Mitigation Measure 4.4.1-1(a) on page 4.4-7 has been changed to state that annexation negotiations must be completed prior to approval of the Specific Plan. Rate increases are addressed in Mitigation Measure 4.4.1-3 on page 4.4-10 which provides that an enforceable agreement protecting BBID and its customers from economic loss be executed. Regarding the timing of the construction, the water treatment plant would be completed before occupancy of the homes or any other structure.
- C184 Based on information provided by BBID, water usage at the BBID portion of the project site has ranged from 5,927 to 10,127 AF/year during a 13-year study period. The average annual water usage for this period was 8,125 AF which is the basis for the project proponent's claim for water supply.
- C185 Comment noted. The project sponsors have committed to water conservation and reclamation as part of the proposed project. Mitigation Measure 4.4.1-4(a) on page 4.4-13 provides that specific conservation and reclamation methods be described in the Specific Plan.
- C186 Total dissolved solids (salts) are a constituent of reclaimed water that is regulated by the CVRWQCB as part of the permitting process and the on-going monitoring program during operation. As described on page 4.4-20 of the DEIR, CVRWQCB reviews reclaimed water plans and places conditions on the permit to ensure that the quality of the surface and groundwater is not degraded. A reclaimed water plan, or implementation plan, is required by Mitigation Measure 4.4.2-1(b) on page 4.4-21.
- C187 Monitoring of reclaimed water is required by permits issued by CVRWQCB. Mitigation Measure 4.4.2-1(b) on page 4-21 of the DEIR requires monitoring to demonstrate compliance with permit conditions. See response to C7 for a discussion of discharge to Old River. The applicant has



proposed a concept to use treated effluent for wetlands restoration as described on page 4.4-24, paragraph three.

C188 As described in the response to A6, economical alternatives for discharge to Old River must be fully explored by the project proponent in applying for a permit for discharge to Old River.

C189 Comment noted.

C190 Comment noted.

C191 The specific loss of prime soil as a result of the proposed development is a significant unavoidable impact which cannot be mitigated. While requiring developers to purchase conservation easements, participate in a land banking program, or transfer development rights is a justified method to conserving agricultural land, nonetheless, the agricultural potential at the project site is lost if the project proceeds.

We concur with the commentor that the County should adopt policies supporting the preservation and conservation of agricultural lands. The commentor is directed to Mitigation Measure 4.1-2(e) on page 4.1-19 of the EIR. Also, a new Mitigation Measure 4.1-1(c) has been added on page 4.1-16 of the DEIR.

C192 The total value to the economy based upon total annual crop production is derived by using a multiplier representing the number of times a dollar from agricultural production turns over in an agricultural economy. The economic value placed on agricultural production can be as high as 2.5 times (U.C. Extension, 1978). However, this figure depends upon many factors, such as the economic concentration in a given area, e.g., whether a crop is exported out of an area or used internally. The total annual production value of crops produced on the Mountain House site is \$2,037,645 (Brown, 1991). Using a 2.5 multiplier, an estimated total value to the economy could be as high as \$5,094,112, rather than the 10.5 figure referenced by the commentor. The text on page 4.1-6 of the DEIR has been revised to reflect this information.

C193 Comment noted.

C194 Additional text has been added to Table 4.2-1, page 4.2-8 (Section f) to reflect information provided in Section 4.11 of the DEIR.

C195 Comment noted. The pre-application for commercial development on an adjoining parcel at the southeast corner of the Mountain House site (referred to as Tracy Station) was made in September 1991 while the DEIR was in preparation. The DEIR noted that adjoining developments of this type were likely, as stated on page 4.2-9 of the DEIR.

C196 Comment noted.

C197 Mitigation Measure 4.11-1 on page 4.11-10 of the DEIR provides a means of development regulation that would address this comment. It is true that the phasing should be coordinated with the occupation of this space as well as its development.

C198 Habitat documented in the DEIR to be of key importance to specific wildlife species should be preserved, if feasible, rather than relying on off-site mitigation which may not be as valuable as the project site.



- C199 Potential financial impacts are documented in the DEIR and mitigation measures have been suggested to address these potential impacts. The financial impacts themselves are not the basis of "significant adverse effects" findings; rather it is the resulting lack of capability to mitigate environmental, public health and safety, and other physical effects that is the basis of such findings. Refer to the responses to C208 and D310 regarding timing of mitigation measures.
- C200 See response to C199. The mitigation measures recommended for potential fiscal impacts are regulatory and organizational mechanisms which are adopted and created as a part of the project approval and development process.
- C201 Service expenditures reflect the historical experience of San Joaquin County. Projected costs for a number of municipal services, for example, were based on recently budgeted costs for the City of Tracy and, when appropriate, upon urban service standards included in the Draft General Plan.
- C202 Refer to Mitigation Measure 4.3.5-1 on page 4.3-17 in the DEIR.
- C203 Lack of affordable housing in a proposed project is not a "significant impact" as defined by CEQA. However, housing affordability does affect the viability of the proposed rate of internal travel and associated air quality impacts. The proposed project does have an affordable housing component and the DEIR includes mitigation measures that would help ensure that housing affordable to lower-income households is built within the community.
- C204 Comment noted.
- C205 The feasibility of a rail system serving the project depends on a much broader analysis of corridor travel demand between San Joaquin County and the Bay Area. This will be addressed in the Altamont Pass Rail Corridor Study being undertaken by San Joaquin County in 1992. Mitigation Measure 4.14-1(j) addresses project site access and "fair share" funding for potential future passenger rail service.
- C206 Comment noted.
- C207 The project's inconsistencies with the existing 2010 (Draft) and 1995 General Plan are addressed in Section 4.2 of the DEIR.
- C208 With respect to the general issue of mitigation measures, see the response to D130. Concerning the issue of water supply, the Byron-Bethany Irrigation District (BBID) has expressed a willingness to cooperate with the applicant in supplying water to the development and in any necessary annexation proceedings (see page 4.4-5, last paragraph of the DEIR, re letter dated August 18, 1989, in Appendix 10.6). The applicant has also agreed to take such measures as may be needed to limit the demand of the entire 4,667-acre development for water to the average level of historic use (8,125 acre/feet per year) of the approximately 2,900 acres presently included within the BBID (see pages 4.4-5 to 4.4-6 and page 4.4-11 of the DEIR). It is feasible to limit demand to this amount by the use of reclaimed water and water conservation measures, and the DEIR includes mitigation measures which so provide (see pages 4.4-10 to 4.4-13 of the DEIR). The DEIR also provides that the applicant shall take the necessary steps towards annexation to BBID and execute an enforceable water supply contract with BBID prior to approval of the Specific Plan (see pages 4.4-7 and 4.4-10 of the DEIR). If for some reason annexation was not achievable, or BBID could not supply sufficient water on a year-round basis, Mitigation Measure 4.4.1-1(b) requires that other measures be taken, including a reduction in the density of the project, if necessary, prior to Specific Plan approval. Thus, there is reasonable assurance of an adequate year-round supply of water for the

project at the size for which General Plan approval is sought, and flexibility exists to make any necessary downward adjustments prior to approval of a Specific Plan.

**Los Vaqueros (sponsored by Contra Costa Water District)**

- C209 Page 4.4-5, paragraph 5 has been changed as suggested to clarify BBID's former interest in participating in the Los Vaqueros Project.

**Contra Costa County Airport Land Use Commission**

- C210 See response to C114. This information is acknowledged and has been incorporated into the DEIR, pages 4.1-4 and 4.1-20.
- C211 A new mitigation measure has been added to the DEIR, page 4.1-20, recommending building height policies to be included in the Specific Plan.

**San Joaquin County Local Agency Formation Commission (LAFCO)**

- C212 Page 4.4-1, paragraph 4, Figure 4.4-1, and page 4.4-6, paragraph three, have been changed to describe the part of the project site that would overlay a small part of the Plain View Irrigation District. Page 4.4-7, paragraph three, is also revised to reference the portion of a parcel in the project boundaries which is within the jurisdiction of the Plain View Water District.
- C213 Page 4.4-6, paragraph three, has been changed to accurately describe the annexation approach San Joaquin County LAFCO would take if it takes jurisdiction over the BBID annexation.
- C214 Refer to the response to C213.
- C215 New text has been added to Mitigation Measure 4.1-1(a). It is inappropriate for the DEIR to designate a particular land trust as there are several land trusts which could be considered. If the County elects to require the developer to participate in a land trust, the designated trust should be decided by the developer in consultation with County staff.
- C216 Table 3.7 has been corrected to show that the San Joaquin County LAFCO has no authority over Community Facilities Districts.
- C217 The DEIR cannot precisely estimate the amount of property taxes that would be transferred to the CSD because the preparation of this estimate is the responsibility of LAFCO, which has not yet quantified a reallocation of property taxes pursuant to Section 56842 of the Government Code. No property tax revenues would be reallocated to a Mountain House CSD (or to other special district(s) created to provide services to the project); funding would instead derive through special taxes or assessments. Mitigation Measure 4.9-1(c) has been added to the text to reflect this comment.

**Local Agency Formation Commission (LAFCO) of Contra Costa County**

- C218 Table 3.7 shows that the Contra Costa Local Agency Formation Commission would deal with annexation of the site to the Byron-Bethany Irrigation District prior to adoption of the Specific Plan.
- C219 On page 4.4-6, a new paragraph has been added to address the procedure if Contra Costa County LAFCO takes jurisdiction over the BBID annexation, to address property tax agreements, and to identify the sphere of influence for BBID.
- C220 This document is not intended as a planning document for using Los Vaqueros Reservoir for storing water for the proposed project. Refer to the clarification offered by the Contra Costa Water District

Los Vaqueros Project letter (C209). The suggested changes have been incorporated into the DEIR as stated in the response to C209.

- C221 On page 4.4-6, paragraph five, the fourth sentence is deleted. Refer to the response to C213.
- C222 The eight parcels within the project boundaries that are not under the control of the applicant are within the area to be annexed. The potential impacts of annexing the entire area have been evaluated in the DEIR, regardless of ownership or control of the parcels. As a result, there is no project modification and additional analysis is not required.
- C223 The statement on page 4.4-9, paragraph two, of the DEIR relates to the potential conflict between municipal/industrial users in the project and the remaining agricultural users in BBID. As stated in this paragraph, this situation would occur only if BBID's water rights were reduced as a result of the Bay-Delta hearings, which could affect existing water rights. Also, BBID's existing water rights would probably not be affected because the volume of water the District withdraws is small relative to the largest diverters and to the Central Valley projects. BBID will take the status of the Bay-Delta hearings and the potential for reduced allocations into consideration as negotiations with the applicant proceed. Since the likelihood of a cutback of water rights is low and BBID will consider water rights issues during negotiations with the applicant, Mitigation Measure 4.4.1-3 adequately mitigates the impact. It states that an enforceable agreement with BBID to supply water to the project site should be executed prior to approval of the Specific Plan and that the agreement should protect BBID and its customers from economic loss and water interruption. BBID has the authority to determine the specific requirements in setting the terms of the agreement. New text regarding this issue has been added to page 6-21, Section 6.2 of the DEIR.

#### **San Joaquin County Council of Governments**

- C224 The DEIR financial analyst has attempted to incorporate all project-related capital costs and their probable source(s) of funding, both county or non-county in origin. The DEIR traffic consultant has indicated, though, that their transportation cost estimates in Section 4.14 are only for improvements and impacts for which the proposed project would have primary responsibility. Capital costs for project-related transportation improvements were estimated by the DEIR traffic consultant in Section 4.14 of the DEIR; these costs include improvements located outside of the project site. Table 4.10-1 includes the traffic impact fee under "Development Agreement/County Fees."
- C225 These are the regional road improvements and transit facilities that would be needed to meet service demands created through development of the proposed project. The transportation section of the DEIR (Section 4.14) discusses these improvements in greater detail.
- C226 Comment noted. The DEIR traffic consultant did not apportion transportation-related capital costs to specific jurisdictions.
- C227 Comment noted. The text of page 4.10-5, paragraph two, has been changed to indicate that owners of vacant properties outside of the project area should help finance improvements that provide them with benefits.
- C228 If the proposed project develops as anticipated by the applicant, and if the County approves the proposed project without ensuring that the policy noted is met, then the County's action would be inconsistent with its policy. Table 4.2-1 regarding the project's consistency with the identified policy has been changed.



- C229 It is assumed that the variety and choice of housing is expected to be met by each individual new community.
- C230 The intent of the mitigation measure is to ensure that a variety and choice of housing types is achieved by the time buildout occurs. The guidelines would not be "retroactive" because the project has not yet been built.
- C231 An evaluation of the Council of Government's Fair Share Housing Plan was not included as a part of the Mountain House Draft EIR as the Fair Share Housing Plan does not directly address new communities. The policies contained in the County's Draft General Plan, along with the mitigation measures included in the Mountain House DEIR, would help ensure that the project meets its housing requirements for all income groups.
- C232 Urbanization trends in San Joaquin County and Sacramento County are similar in the sense that the housing being developed (as well as the housing stock that exists) is relatively affordable to single-worker households, which seems to be the major variable that defines the number of employed residents per household. In the nine-county San Francisco Bay region, for example, the 1990 ratio between employed residents and households was 1.35, with the highest ratios occurring in Santa Clara County (1.49), and San Mateo County (1.41). Employment data released after publication of the DEIR indicates that, in 1990, San Joaquin County had a 1.1 ratio of employed residents to households, rather than the 1.2 ratio assumed in the jobs/housing analysis. Use of the 1.1 ratio, however, would not change the conclusions of the DEIR analysis, which is that the County is currently experiencing an approximate balance between employed residents and jobs. Section 4.11 has been changed to utilize the 1.1 ratio in the discussion of existing jobs/housing conditions.
- C233 Comment noted.
- C234 The suggested change would indeed be more effective, but it is almost impossible to achieve or enforce. (It would require that persons employed within the community also live within the community.)
- C235 See responses to C18, C19, C55, and C308 for detailed discussion of the issue. As noted in the other responses, only 45 percent of the work trips are projected to be internal. We concur that, should sufficient affordable on-site housing not be provided, this could result in a higher proportion of workers being "imported" than projected in this scenario. For the Market-Constraint Scenario, the same number of residents is assumed but, due to a lower number of on-site employees, only 24 percent of the work trips are projected to be internal. The Market-Constraint Scenario therefore shows impacts of a greater number of internal/external trips.
- C236 Text on page 4.14-34 of the DEIR has been revised to correct the reference.
- C237 Tables 4.14-13A through 4.14-13C on pages 4.14-35 through 4.14-40 have been expanded to distinguish between existing and assumed base network improvements.
- C238 The DEIR discusses the project sponsor's transit/ridesharing provisions (page 4.14-58) and also identifies a comprehensive set of on-site and off-site mitigation measures to encourage and promote transit usage and ridesharing to and from the project. While Impact 4.14-1 is quantified in terms of vehicle trips generated by the project, all of the mitigation measures for this impact (pages 4.14-23 to 4.14-27) address the need and opportunities for transit and ridesharing. Further detailing of specific transit programs (including routes and frequencies of service) should be done at the Specific Plan stage and should reflect results of the forthcoming Altamont Pass Rail Corridor Study and the Countywide Transit Plan currently under preparation.



- C239 Mitigation Measure 4.14-1(j) has been added to clarify and expand upon the project's relationship to the Altamont Pass Rail Study being undertaken by the County.
- C240 Comment noted. References to CMP have been updated.
- C241 See response to C155 regarding the estimated effectiveness of the proposed mitigation program. The program would be applicable under either the Proposed Project or Market-Constraint Scenario. Under the Proposed Project Scenario, the higher portion of this range might be applicable, since higher on-site employment would reduce external trips. The lower end of the range would be more applicable under the Market-Constraint Scenario, as there would be less potential for non-auto mode shifts.
- C242 See response C155 regarding mitigation effectiveness.
- C243 The mitigation fee described in Mitigation Measure 4.15-1(i) would not apply to existing businesses. It is unrelated to the emissions banking/offset requirements under the San Joaquin Valley Unified Air Pollution Control District's New Source Review regulation.

The proposed fee would be a way for certain kinds of development that are not amenable to Transportation Demand Management or other trip reduction methods to offset their otherwise unmitigated air quality impact. It is envisioned that collected funds would provide needed transportation improvements or services that would directly improve air quality.

The proposed fee is not envisioned as an "escape clause" for projects but as a way that certain kinds of development (residential, in particular) can meet an overall goal of a 25 percent reduction in trip generation. While employment-generating projects should be able to meet a 25 percent trip reduction goal, residential projects, due to their nature, have few options available. The proposed fee would allow residential development to offset emissions commensurate with reductions required of business and industry.

The 200-trip threshold proposed is rather arbitrary and could be modified. The amount of any such fee, and the formula for its calculation, has yet to be specified.

#### City of Tracy

- C244 This summary of comments is addressed under individual comments made by the City of Tracy (comments C245 through C333).
- C245 The Tracy Urban Management Plan was being prepared at the same time as the DEIR on the Mountain House New Town General Plan Amendment. This plan does not include a policy document, nor has an EIR on the Plan been completed. At the time of preparation of this Final EIR, the consultants had not yet received a copy of the Tracy Urban Management Plan.

The issue of mutual cooperation between the City of Tracy and San Joaquin County is outside of the scope of the DEIR.

- C246 On pages 4.3-4 and 4.3-18 of the DEIR, the impacts of the project on City of Tracy parks and the public library are addressed. Tracy parks would be impacted during Phase I of the development, but this impact was identified as a less-than-significant impact. The DEIR recommends that the applicant develop community parks during Phase I. It is likely that residents of the development would use the public library in Tracy until such time that an on-site facility were constructed. The

DEIR has recommended that a library be constructed during Phase II, when the projected population would be 20,530. The projected population for Phase I would not warrant a library facility based upon the Stockton San Joaquin County Library system's space criteria. Table 4.3-5 in the DEIR indicates a minimum square footage of 4,000 square feet for the projected population. Stockton San Joaquin Public Library staff have indicated that facilities smaller than 10,000 square feet are not economical to operate. A short-term impact to the Tracy Public Library would occur until a facility were constructed at the project site.

- C247 Growth-inducing impacts are addressed in Sections 4.1, 4.2, and 6.2 of the DEIR. Mitigation Measures are proposed for a number of stages of the project because the current proposal is for a General Plan Amendment only, as discussed in response to D130. Potential flaws in the economic projection are addressed in other responses, but would have no impact on whether the proposed project would have growth-inducing impacts.
- C248 It is likely that the growth rates required to complete project buildout in a 17-year period are unrealistic. The implications of slower rates of development are discussed in Section 4.11 of the DEIR. However, the proposed project can remain feasible, from a fiscal and financial perspective, even if growth rates are below developer expectations.
- C249 If approved and developed, the Mountain House New Town would compete for residential, commercial, and industrial demand in the region. This competition would be felt most by projects in Tracy because it is the city that is closest to the project site. Also, other new towns are proposed for the southwestern part of the County; these projects would also compete with Tracy for new development. The Growth Forecast prepared for San Joaquin County in 1991 indicated that Tracy's population growth could be dramatically affected by the new communities, with its average growth rate being reduced by as much as two-thirds, resulting in a year 2010 population of around 54,000 rather than the 90,000-plus that could otherwise occur.

Neither reduced growth rates nor a smaller population would necessarily have negative fiscal or financial effects on the City of Tracy.

- C250 Although the City of Tracy could conceivably provide services to the Mountain House site in a more cost-effective manner than a special district, the fiscal impact analysis was only intended to explore whether the project as proposed would be fiscally/financially viable, not to determine the most efficient method for service delivery.
- C251 The installation of fire sprinklers in all buildings reduces fire damage, but does not affect the cost of fire protection service. For the City of Tracy to provide fire and police protection services, the Mountain House site would have to be annexed to the City, thereby requiring all land in between to be annexed as well. While the City may consider this approach to be more efficient and cost-effective, the potential development encouraged by this annexation could generate significant impacts on City services. The question of comparative cost-effectiveness was not evaluated in the DEIR. The DEIR fiscal analysis indicated that the proposed project could support necessary public services with a combination of general and special taxes.
- C252 The issue of deferred mitigation measures is addressed in the responses to C208 and D130. The Mitigation Monitoring Program included as Chapter 7 in the DEIR is the best means of assurance that all adopted mitigation measures will be enforced.

The Mitigation Monitoring Program, identified in Chapter 7 of the DEIR, is an enforceable means of ensuring that deferred mitigation measures are accomplished at a subsequent stage. Contrary to the comment, the project has been addressed in its entirety and mitigation measures are identified



for all relevant phases of the project. The timing of mitigation measures has no relevance to the definition of the project.

- C253 The cumulative impact analysis addresses different geographic areas and different cumulative projects, according to the issue being discussed, as stated on page 6-1, paragraph 2 of the DEIR. The planning programs for the City of Tracy and the City of Lathrop were in process while this DEIR was being prepared. The City of Lathrop General Plan was adopted just after publication of the DEIR. Changes have been made to Section 6.1 to address all relevant cumulative projects, including the Draft 2010 General Plan for San Joaquin County.
- C254 Comment noted. It could be difficult to provide a balance of jobs and housing over time. This fact is especially true in the earlier years of the project when there will be a high propensity of out-commuting (as is presently evidenced by the large number of Tracy residents that out-commute). However, for this reason, the DEIR recommends a monitoring program. Text has been changed on page 4.11-10 for Mitigation Measure 4.11-1. Text has also been changed on page 4.11-10, paragraph one, of the DEIR.
- C255 As stated in the response to C254, achieving a balance of jobs and housing within the proposed project may be difficult. Mitigation measures adopted should take account of market realities, which are discussed in Section 4.11 of the DEIR.
- C256 The projections of internal trips and intercepted trips both result from the jobs to housing balance assumed for the project, based upon application of the San Joaquin County Travel Model. See response to C308 for further discussion.
- C257 The Tracy Alternative Site is addressed in Section 5.3 of the DEIR. This analysis discusses fiscal and financial factors (page 5-30), land use conflicts (page 5-25), growth-inducing impacts (page 5-25), and provision of services (pages 5-26 and 5-27). A summary comparison of the proposed project with the Tracy Alternative Site can be found in Table 5.1-2.
- C258 The proposed fiscal mitigation measures are designed to minimize the potential adverse fiscal effects of incorporation of the proposed project. It should be noted that incorporation has not been proposed and is therefore not the subject of this DEIR.
- C259 No economic analyses have been conducted on the Mitigated Plan. Refer to the response to D49.
- C260 The assumption regarding the date of potential incorporation after the year 2010 (found on page 4.9-1, paragraph two) was made for analytical purposes only. As noted above, the impact of an earlier incorporation would be minimized by the nature of the proposed fiscal mitigation measures. Also, see response to C268.
- C261 The 1991 County Growth Forecast document (Economic and Planning Systems, 1991) took specific account of competing projects and development capacity in its sub-area allocations of growth in and around the proposed project. In addition, a review of market conditions is presented in Section 4.11 of the DEIR. The fiscal implications of growth occurring with a different mix of land uses, or at a slower rate than defined under the proposed project, are explored in a general manner both within the text of Section 4.9 of the DEIR and in Section 5.0, which presents analyses of alternatives (the Reduced Size Alternative, in particular). The overall conclusion of the DEIR fiscal impact analysis is that the proposed project has the potential for incurring a revenue deficit, and that the County, if it amends its General Plan to allow New Town development, should therefore institute mitigation measures to prevent such a deficit (see page 6.14 of the DEIR).

- C262 Specific assumptions regarding which costs would be funded by enterprise service charges and developer impact fees were not included in the analysis. The financial analysis is based on the general financial characteristics of the proposed project. The Specific Plan, which follows General Plan Amendment approval, would include a financing plan that will explore these issues in detail and recommend specific financing mechanisms.
- C263 The costs the City believes have been "omitted" are instead reflected in other line items within the pro forma budget model. A review of the specific cost items reflected in the comment indicates that all "omitted" costs are, in one fashion or another, included in the analysis. See responses to E43 through E45 for additional detail regarding the derivation of service costs.
- C264 Fiscal mitigation measures proposed, along with proper phasing and management of public services, can limit potential impacts upon the County General Fund.
- C265 The fiscal analysis addresses only the operating costs and revenues related to the proposed project. The financial analysis included costs for transportation improvements estimated by the project proponent and the transportation engineer (DKS) member of the DEIR team. The Mitigated Plan is addressed in the response to D49.
- C266 Such financing would have to pass stringent underwriting standards. Risks, such as intimated by the comment, would need to be managed through security mechanisms built into the bond issue.
- C267 The DEIR financial analysis presents mitigation measures that are intended to ensure that capital costs are not excessively burdensome to Mountain House residents. Refer to C208 and D310.
- C268 See response to C258. Incorporation of the proposed project would remove some service responsibilities and revenue sources from the County. The fiscal implications of incorporation are, in essence, the same as if the project were developed as part of the City of Tracy, an alternative which is analyzed in Section 5.3 of the DEIR. The fiscal analysis for the Tracy Alternative Site found that "...although the General Fund revenues received by the County would be reduced...service costs would decline by an even greater amount, resulting in new revenue surpluses over the buildout period."(page 5.30 of the DEIR).
- C269 Comment noted. These costs were not quantified because they were determined to be insignificant or completely offset by existing taxes or future service charges.
- C270 See response to C263.
- C271 Whether deficits occur will depend upon both the rate of development and the land uses developed. The overall conclusion of the DEIR fiscal impact analysis is that the proposed project has the potential for incurring a revenue deficit, and that the County, if it amends the General Plan to allow development of new towns, should institute mitigation measures to prevent such a deficit.
- C272 Retail facilities are unlikely to locate within the proposed project until a certain number of households have moved into the community. Until this population threshold is reached, Mountain House residents would do much of their shopping in Tracy, which is the nearest retail center. The resulting expenditures would generate sales tax revenues for the City.
- C273 Whether slower than anticipated development results in unreasonable financial burdens will depend upon the extent to which the phasing and sizing of capital facilities responds to this change in growth rate. The implications of a change in development plan and/or a change in growth rate are discussed



briefly in the Alternatives section (Chapter 5) of the DEIR (specifically, in the sections pertaining to the Redesignated Alternative and the Reduced-Size Alternative).

- C274 The allocation of specific costs to specific properties would occur during the creation of the special district(s) needed to finance the construction of capital facilities. The DEIR cannot address this level of detail at this time (see responses to C208 and D130).
- C275 As stated, this DEIR addresses an overall land use plan that includes some property not under the applicant's control. The Mitigation Monitoring Program included in Chapter 7 of the DEIR applies to the entire project site. Financing details, as well as the Mitigation Monitoring Program, would need to be worked out by the County and the applicant, as appropriate, for lands both within and outside the applicant's control.
- C276 Comment noted. This issue does not specifically address the DEIR. The Redesignated Project Alternative (Section 5.5) includes a greater portion of medium-high and high-density housing.
- C277 Comment noted. This issue does not specifically address the DEIR.
- C278 These comments are not relevant to the DEIR. It is beyond the scope of the DEIR to evaluate the consequences of phases not occurring within the proposed time periods. At the time of the Specific Plan, phasing will be addressed in greater detail.
- C279 As stated, the DEIR evaluates the value of the on-site soils and farmland. The statement regarding "less important soils" was made by the applicant and does not necessarily reflect the views of the Lead Agency.
- C280 New language has been added to the second paragraph on page 4.1-14 of the DEIR to reflect the pre-application of Tracy Station.
- C281 Some lands within the County's jurisdiction, but just outside the city limits of the City of Tracy, are designated for urban uses in the County's General Plan. The County could redesignate these lands to agriculture if Mountain House were approved to avoid an oversupply of land for urban uses while at the same time protecting agricultural operations.
- C282 The DEIR addressed this impact of the project on City of Tracy parks as a less-than-significant impact and provided a mitigation to reduce this impact.
- C283 The commentor is correct and the text on page 4.3-10 has been changed to reflect this information. Students from the Mountain House development would attend the Merrill F. West High School.
- C284 The commentor is correct. The application by the disposal company for a transfer station has been withdrawn. Delta Disposal Company is currently negotiating with the City of Tracy to purchase 14 acres of city-owned land near the Tracy Airport for the purpose of establishing a transfer station. This information has been incorporated on page 4.3-16 of the DEIR.
- C285 No information has been provided as to where in the DEIR it is stated that the project's amenities would be desired by "high-density white collar business." The issue of the balance of residential development to commercial/industrial development is addressed in Section 4.11 of the DEIR, with an emphasis on buildout vs. individual phases of the project. Achieving a balance for each phase would be accomplished by Mitigation Measure 4.11-1 which would require a program at the time of the Specific Plan that ties residential development to job growth. New text has been added to Mitigation Measure 4.11-1 for further clarification.

- C286 That the early stages of development would be "residential construction followed quickly by industrial and office development" is, as noted in Section 4.11 (page 4.11-5) of the DEIR, an assertion made by the project applicant. The text of Section 4.11 contrasts the applicant's perceptions of market demand with an independent evaluation that finds demand for commercial and industrial projects would likely be lower than the applicant anticipates. The fiscal, financial, and jobs/housing sections of the DEIR explore the implications of slower-than anticipated employment growth.
- C287 The market implications of the site location are discussed in Section 4.11 of the DEIR. The general conclusion is that the proposed project would likely develop at a slower rate and with a different mix of land uses (e.g., fewer industrial acres) than envisioned under the proposed project. For this reason, the traffic and air quality analyses address a Market-Constraint Scenario as well as the Proposed Project Scenario.
- C288 See response to C249.
- C289 Comment noted. These issues are addressed throughout the DEIR.
- C290 The water demand calculations presented by the applicant resulted in an estimated project annual water demand of 10,391 AF/year and 8,272 with water reclamation. Based on the County's Draft Improvement Standards, the estimated project annual water demand would be 9,251 AF/year. Urban water demand typically ranges from 150 to 200 gallons per day per person (Metcalf and Eddy, 1979). Based on an estimated 43,600 people, the expected water demand would range from approximately 7,300 to 9,700 AF/year. Comparing the applicant's projections with the County Standards and industry standards, the estimates presented in the DEIR appear reasonable.
- C291 The conclusion is explained in Section 4.11 of the DEIR. In essence, the mix of housing units proposed by the applicant may be unaffordable to some persons employed at businesses within the proposed project; these people would live elsewhere within the region and commute to Mountain House. Section 4.11 also presents mitigation measures for improving the affordability of housing at the project site.
- C292 Some of this estimated housing shortfall can certainly be eliminated through the construction of multi-family rental housing. Housing for low and very-low income households, however, may require some form of subsidy to ensure its development. A new Mitigation Measure 4.11-2(b) has been added to Section 4.11 of the DEIR.
- C293 See response to C291.
- C294 In the context of the jobs/housing analysis, a potential oversupply of units indicates that commercial and industrial development within the proposed project might not generate a sufficient number of households able to afford the units proposed. As a consequence, residential developers would take one or more of the following actions: (a) not build the housing units in question; (b) build these units, but reduce their price so as to make them affordable to persons employed within the community, or (c) market the units to persons who work outside of the community but who can afford the home prices as proposed. The latter option would, of course, defeat the purpose of balancing jobs and housing within the community. The text of page 4.11-13 of the DEIR has been changed to reflect this response.
- C295 Page 1-1, paragraph two, has been corrected.
- C296 Pages 4.1-5, 4.2-3, 4.2-9, and 4.2-11 have been corrected to show that the City of Tracy is 3.3 miles east of the project site.

- C297 The commentor should be aware that prior to filing for Williamson Act contract cancellation, the applicant must first file a Notice of Nonrenewal (as stipulated in the findings for cancellation). Page 4.1-11 points out that the applicant has proceeded to file for cancellation of the contracts upon filing Notices of Nonrenewal. The map on page 3-21 of the DEIR (Figure 3.9) correctly illustrates the parcels for which notices of non-renewal have been filed.
- C298 This correction to page 4.9-8, paragraph two, has been made.
- C299 Please refer to the response to C208. The only issues that may have significant impacts on the overall proposed land use plan would relate to the provision of on-site regional parkland and the availability of a year-round water supply. The applicant could choose to provide in-lieu funding for off-site regional parkland as mentioned in Mitigation Measure 4.3.1-3. The issue of water supply is addressed in the responses to C179 through C182, and C208.
- C300 As stated, two scenarios are addressed in the traffic analysis to allow a full comparison under different buildout assumptions. If the Market-Constraint Scenario were assumed to be the proposed project throughout the DEIR, the full land use plan would not have been assessed. For example, much less acreage would have been shown for commercial or industrial uses.
- C301 Since the project is not scheduled to build out until 2010, a period of almost 20 years, it would not be realistic to analyze its impacts relative to existing conditions. Much of the cumulative growth to 2010 is within incorporated cities and is outside the control of the County. Likewise, it would not be realistic to assume no improvements to the future transportation network since many of the improvements are programmed and others would be completed to accommodate cumulative growth.
- C302 The Proposed Project Scenario of Section 4.14 addresses the impacts of the project without the other new towns.
- C303 The inclusion of the new towns in the No Project Scenario for the traffic analysis was considered realistic, especially given the fact that these new towns were included in the County's General Plan 2010. Mitigation measures that are the responsibility of the project applicant would be needed before the impacts occur. The financial responsibility of all the new town applicants for needed road improvements would need to be determined by the County and other responsible agencies. Mitigation Measures for traffic impacts associated with countywide growth are addressed in the Draft EIR on the San Joaquin County Comprehensive Planning Program (San Joaquin County 1991d).
- C304 The reference to "44 to 56 percent of work trips" relates to the percent of all work trips by Mountain House residents that are projected to cross Altamont Pass (or, more precisely, all work trips to the Bay Area). These numbers are taken from Table 4.14-10 as the sum of Contra Costa County, Alameda County, and Other Bay Area. The "44 percent of employment" cited in the project definition, on the other hand, indicates that the Market-Constraint Scenario assumes 8,600 employees on-site by 2010, which is approximately 44 percent of the project sponsor's buildout employment projection of 19,900. Therefore, the two sets of numbers cited are not comparable.
- C305 Under the Proposed Project Scenario, about 45 percent of the residents are projected to be employed on-site in 2010 (Table 4.14-11); this is about twice the proportion (24 percent) projected for the Market-Constraint Scenario in 2010. Since the same number of residents are included in both scenarios, the Proposed Project would have about twice as many residents employed on-site as the Market-Constraint Scenario, as stated in the DEIR. It is incorrect to apply the factor of two to the 44 to 56 percent figure cited for the Market-Constraint Scenario.



- C306 The project is more fully described in Chapter 3 of the DEIR. The same dwelling units and employment estimates are shown in Tables 4.14-5 through 4.14-8 because they are inputs to the trip generation analysis. However, for clarity, page 4.14-15 (Methodology and Assumptions) has been revised to note the dwelling unit and employment counts.

The number of dwelling units and employees are fully described for each phase and buildout in Chapter 3 of the DEIR. For further clarification, a reference to Chapter 3 has been added to the footnote identifying the source for Tables 4.14-5 through 4.14-8, pages 4.14-20 and 4.14-21 of the DEIR.

- C307 The figures should not be combined in the manner suggested in the comment. Table 4.14-11 shows percentages of employed residents working within the project (based on projected work trip patterns). These percentages are also shown in Table 4.14-10 along with percentages of employed residents working elsewhere. For the Proposed Project Scenario in 2010, for example, 45 percent of the employed residents work on-site, 32 percent work in the Bay Area (Contra Costa, Alameda, and Other Bay Area) and the remaining 23 percent work elsewhere. The percentages add up to 100 percent since they account for all employed residents of the project.

The above figures cannot be combined to determine the percentage of Mountain House population that will be employed in 2010. This number can be derived from Table 4.11-3, which estimates 19,200 employed residents in 2010 (16,003 dwelling units at 1.2 employed residents per dwelling unit), and from Table 3.5, which estimates a 2010 population of 43,636. From these figures, 44 percent of the population would be employed in 2010, not 84 percent. The DEIR indicates that, at buildout, the proposed project would have 16,003 dwelling units and a population of 43,636 persons, resulting in an average of 2.73 persons per household. This estimate is consistent with state averages; the state Department of Finance estimates that, statewide, the average number of persons per household was 2.809 as of January 1, 1991.

- C308 The projected distribution of work trips to the Bay Area for either scenario is based on a conventional "gravity model" which was calibrated on 1990 conditions<sup>3</sup>. The gravity model distribution is based only on the assumed future mix of residential and non-residential land uses (or population and employment) and the travel times between the project site and other county zones; it does not assume any special characteristics of a new community. While a gravity model has inherent limitations in addressing housing affordability issues, it is the best tool available for making long-range, region-wide trip distribution projections of this kind.

Further review was undertaken to verify the reasonableness of the model estimates for internal travel. One study of new communities<sup>4</sup> analyzes thirteen new communities (including Reston, Virginia, the new community cited in the comment) and thirteen conventional communities. This study evaluated rates of internal travel and trip lengths for work trips by "heads of households". The study did not observe any significant difference between the "new communities" and conventional communities. Percentages of internal work trips varied widely, from as low as 5 percent (a community with less than 1,000 jobs) to as high as 94 percent (a self-contained community remote from other communities); the average for all communities was about 15 percent. Since the survey did not include secondary workers who are likely to work closer to home on average, the percentages may be lower than would be surveyed for all work trips. Nevertheless, this average is substantially lower

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<sup>3</sup>San Joaquin County Travel Model Development, Draft Final Report, DKS Associates, January, 1992. (Available from San Joaquin County Community Development Department)

<sup>4</sup>Access, Travel and Transportation in New Communities, Zehner, Robert B., 1977.



than the projected 24 percent and 45 percent internal work trips for Mountain House under the Market-Constraint and Proposed Project Scenarios, respectively. This may not be a valid comparison, however, since most of the communities had considerable off-site employment within close proximity which would tend to compete with on-site jobs and reduce the percentages of internal trips; this is not the case with Mountain House. When considering the percentage of work trips to jobs within five miles, the average for all communities jumped to almost 30 percent, with the percentages ranging generally from 20 to 40 percent. In the Market-Constraint Scenario, 25 percent of the work trips (including internal trips) are projected to be within five miles or less; this is well within the observed range. For the Proposed Project Scenario, 46 percent of the Mountain House work trips are projected to be under five miles long; this is above the range of observed percentages but exclusion of secondary workers would likely bring the projection closer to the observed values.

From this review, we believe the projections for Mountain House are realistic for the assumed land use mixes for each scenario although, for the Proposed Project Scenario, the projections are on the high end of the range of observed values. If the percent of internal work trips for the Proposed Project Scenario were reduced from 45 percent to 30 percent (an average value), total trips to and from the project site would increase by 10,000 daily vehicles, or about eight percent, in 2010. This increase would slightly reduce projected levels of service on access routes immediately adjacent to the project site, but would not likely be enough to increase lane requirements and would not significantly impact levels of service on the mainline freeways or other routes farther from the site.

The survey cited above concluded that housing affordability probably contributed to relatively low percentages of internal trips in some cases. Given the uncertainty in any model projections, the wide range of observed values elsewhere and the potential for housing affordability to constrain the percentage of internal trips, monitoring of the project's development and travel patterns has been recommended (Mitigation Measures 4.14-1(g) and 4.14-2(d)).

- C309 A funding mechanism will need to be created for regional road improvements. Such a mechanism should recognize that all new development - not just the proposed Mountain House New Town - should finance its share of future infrastructure expenditures. No revision of the traffic model is considered necessary.
- C310 For consistency with the County General Plan DEIR and to reflect potential major trip interchanges with the Bay Area, the San Joaquin County Model was used for transportation analysis. This model incorporates land use and transportation network data in the City of Tracy, although at a somewhat less detailed level than the City of Tracy model.

Within the City of Tracy, the County model includes all of the north-south and east-west arterials. Projections of 2010 daily traffic volumes for the No Project, Proposed Project, and Market-Constraint scenarios for 2010 are compared for selected representative locations in Tracy in the attached table. Substantial traffic growth is projected at most locations due to cumulative growth to 2010 without the Mountain House project (i.e., No Project Alternative). In general, however, the addition of the Mountain House project to other cumulative growth to 2010 does not significantly increase traffic beyond the No Project levels. Exceptions to this include the segments of Corral Hollow Road and Lammers Road north of Grant Line Road. On each of these two roads, an increase of 6,000 daily vehicles is projected for the Market-Constraint Scenario as compared to the No Project Alternative. This appears to be associated with rerouting of trips due to a projected capacity deficiency on Grant Line Road west of I-205. The capacity deficiency on Grant Line Road is attributable to project trips as well as an assumed regional mall west of I-205. With widening of Grant Line Road as proposed in Table 4.14-16, these traffic increases would not likely occur to the extent indicated, and widening of Lammers and Corral Hollow Road would not be necessary. Even with the projected traffic volumes, neither Corral Hollow Road nor Lammers Road would require more than two lanes. Therefore, these roads were not included in Table 4.14-16. A modest traffic increase of about 1,200 daily vehicles is projected on Grant Line Road between Tracy Boulevard and Macarthur Drive.

However, with the existing four lanes, no further widening appears necessary to accommodate the future volumes. For this reason, the DEIR did not address these streets.

Table C310-1 shows increases in traffic for each scenario, but does not identify the contribution of the Mountain House to total traffic volumes. Where the Mountain House project is projected to significantly increase future traffic relative to the No Project Alternative and contribute to the need for road widening, a "fair share" of the cost of mitigation could be determined based on a more detailed analysis of the origins and destinations of traffic using the facility.

**TABLE C310-1**

<b>COMPARATIVE 1990-2010 TRAFFIC VOLUME INCREASES WITHIN CITY OF TRACY</b>				
<b>Route and Location</b>	<b>1990 Volume<sup>2</sup></b>	<b>Projected 1990-2010 Increases in Traffic<sup>1</sup></b>		
		<b>No Project</b>	<b>Market Constraint</b>	<b>Proposed Project</b>
Tracy Blvd s/o I-205	15,800	4,300	2,600	2,400
Tracy Blvd n/o Linne	2,100	5,300	5,400	4,300
Corral Hollow n/o Grant Line	1,500	3,900	9,900	8,300
Corral Hollow n/o Valpico	3,100	18,700	19,700	18,900
MacArthur s/o Schulte	2,900	12,300	11,200	11,400
MacArthur s/o I-580	--	9,200	7,600	6,900
Grant Line w/o MacArthur	9,800	6,800	7,900	5,700
Grant Line e/o Tracy	12,800	2,400	3,600	2,100
Schulte w/o Corral Hollow	400	3,900	4,400	4,500
Linne w/o Chrisman	6,000	4,600	4,000	1,000
Chrisman w/o Eleventh	--	6,200	6,900	5,000
Chrisman s/o Linne	--	600	600	500
Lammers n/o Grant Line	--	100	6,100	3,800
Lammers s/o Eleventh	--	9,500	9,600	10,600

<sup>1</sup> Difference between 1990 and 2010 model estimates.

<sup>2</sup> Source: San Joaquin County Council of Governments.

The City of Tracy model could be useful for analyzing local impacts, particularly intersection impacts, and traffic contributions due to the Mountain House project. This procedure would be highly desirable during the Specific Plan stages. It is our understanding that the City model incorporates regional patterns from an earlier version of the County model; therefore, the city model should be revised to reflect the interregional travel patterns and more current 2010 land use projections outside the City's planning area.

**C311** Comment noted.

**C312** The fiscal analysis does not include costs for operating bus transit services to and from the project. These costs would depend on the specific routings, service frequencies, and other details of operation, as well as agreements between the County and the project sponsor, factors that cannot



be accurately predicted at this time. Basic levels of public transit service are usually provided for by a countywide Authority or District using State TDA funds, fare revenues, and other sources. These services could be supplemented by services operated and/or funded by the project sponsor, the TMO, or individual employers. Mitigation Measure 4.14-1(e) on page 4.14-26 of the DEIR has been revised to provide that the project sponsor underwrite the transit operating costs until such time that an agreement is made between a countywide transit agency and the TMO to fund and operate the transit services.

- C313 The comment brings up what is essentially a philosophical issue in deciding who should pay for inter-community transportation improvements. Shared funding of transit service between the City of Tracy and Mountain House is suggested because the service would accommodate travel between the two communities and therefore be of benefit to both. Specific arrangements for funding and operating transit services should be determined by the County, the City of Tracy, and the project sponsor, and should be consistent with the Countywide transit plan currently being prepared and should be part of the agreements related to Mitigation Measure 4.14-1(e). Mitigation Measure 4.14-4(b) has been revised for better consistency with the previous mitigation measure.
- C314 It is recognized that no single measure will be completely effective in reducing traffic and emissions due to the project and that, even in combination, the various transit/HOV measures will have limited effect in reducing impacts of the project, particularly in the short-range. To be conservative, the DEIR assumes only a modest reduction in peak hour traffic demand and no significant reduction over the day (see response to C323 below). The nature and the scale of the project are conducive to the use of alternative modes, particularly for external work trips. The recommended measures are an essential part of an overall strategy for county-wide implementation to support and reinforce the County's Congestion Management Program and Air Quality Attainment Plan.
- C315 We concur that the proposed HOV lane will not, in itself, encourage carpooling. The intent is to combine this measure with other incentives and programs, including possibly mainline freeway HOV lanes, to provide a comprehensive strategy to promote use of alternative modes.
- C316 This mitigation measure has been revised and Mitigation Measure 4.14-1(j) has been added for clarification. The on-site multi-modal station would logically be a bus/park-and-ride/drop-off facility, and would serve as a collection point for bus commuters. Upon implementation of commuter rail service, a second multi-modal station should be provided off-site to serve bus and auto access to the rail service.
- C317 No attempt has been made to design transit services for the project or to develop operating cost estimates; this can only reasonably be done at the Specific Plan stage. However, fixed route and dial-a-ride services are not necessarily mutually exclusive. It is likely that the basic service within the project would involve fixed routes and schedules. When passenger demands are high, fixed route service is usually more cost-effective than dial-a-ride service. However, in lower density areas and during periods of lower ridership (such as during early stages of the project and, later, during evening/weekend hours), dial-a-ride service could be operated instead.
- C318 As noted above, fixed route and dial-a-ride services are not necessarily mutually exclusive. Making provisions for fixed route services would not preclude dial-a-ride operation during periods of or in areas of lower demand.
- C319 The County should determine the criteria and funding arrangements for transit service consistent with countywide transit service criteria. General guidelines are provided in Mitigation Measures 4.14-1(d) through (f) and 4.14-4(b). The SJCCOG is currently sponsoring a Countywide Transit Study which is developing a 20-year plan to address transit needs and organizational alternatives. The study is scheduled for completion by the end of March, 1992. It is therefore premature to attempt to determine specific criteria or transit routes for the project.

- C320 The City of Tracy and the County should be responsible for implementing the change to the Patterson Pass Road/Byron Road intersection discussed in the comment. This change would be a policy decision; the change is not needed to mitigate project impacts.
- C321 Based on discussion with Caltrans staff, Caltrans District 10 anticipates the use of ramp meters on I-205 in the near future (five to ten years).<sup>5</sup> There is no established policy against ramp meters.
- C322 The DEIR indicates that improvements would be needed on Grant Line Road between I-580 and Altamont Pass Road. However, there is some confusion concerning what the improvements should be, as evident in the comment. The recommended configuration is four lanes: two northbound, mixed-flow lanes, one southbound, mixed-flow (e.g., all traffic) lane and one southbound HOV lane. Nowhere are seven lanes discussed in the DEIR. Figure 4.14-10 is correct; the parenthetical statement in the last sentence of the second paragraph on p. 4.14-45 is in error and has been deleted.
- C323 The five percent traffic reduction is, in our judgment, reasonable and modest to assume for peak hours in 2010. (Please note that this reduction is applied to projected 2010 volumes based on applying current trip generation rates to future employment/population levels; it does not imply a five percent reduction from existing volumes.) This reduction can result from a combination of transit service improvements, increased car occupancy rates, alternative work hours, and telecommuting. Even in the absence of specific actions and policies related to those types of measures, it is highly likely that, as freeway traffic volumes and congestion increase in the future, the peak period will spread, resulting in a lower proportion of daily traffic occurring during peak commute periods. These trends have been observed elsewhere. Considering these factors, roadway improvement needs and levels of congestion would likely be overstated if no change in the level of peak hour traffic were assumed. Note that the same peak hour traffic reduction was assumed for the No Project, Proposed Project, and Market-Constraint scenarios.
- C324 A monitoring program tied to Specific Plan approvals is recommended in Mitigation Measures 4.14-2(d) and 4.14-1(f). The intent of this program is not to dictate the economic market, but rather to ensure that traffic impacts and mitigation are being adequately addressed, consistent with the General Plan, prior to approvals of further development. Traffic monitoring programs are used elsewhere; the City of San Ramon is a nearby example.
- C325 The project would contribute to cumulative added traffic on the Altamont Pass. Providing truck climbing lanes would increase overall capacity by separating truck traffic from mixed-flow traffic. This improvement appears to be a viable mitigation measure in that it could be done without widening; widening the Altamont Pass to provide additional lanes does not appear to be a viable mitigation. The nexus is between impact and potential mitigation, not between the project and truck traffic.
- C326 There is no conflict between the impact text and mitigation measure, although some of the impact text would be better located under the mitigation measure. Page 4.14-43 of the DEIR identifies the need to construct a partial cloverleaf configuration on the *south side* of the interchange (i.e., southbound to eastbound loop ramp). Mitigation Measure 4.14-3(a) discusses the need for further study to determine if a similar configuration for the *north side* of the interchange is necessary (i.e., northbound to westbound loop ramp).

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<sup>5</sup>DKS Associates, February 13, 1992, telephone conversation with Dennis Ikeda, Caltrans District 10, Traffic Operations Branch.



- C327 See response to C73. As noted in the comment, it would be beneficial to the County and the project sponsor to proceed with the PSR process as soon as possible. However, there is enough uncertainty and flux in land use development plans in the region that it would be desirable to reexamine initial findings as regional development plans evolve. For this reason, the DEIR recommends staged Specific Plans and accompanying staged mitigation measures.

The recommendation to study a potential interchange at Hansen Road addresses potential access needs for industrial development planned for the City of Tracy in the vicinity of I-580, and is not directly related to Mountain House impacts. Accordingly, the recommendation has been deleted from the DEIR on page 4.14-44.

- C328 The DEIR text is correct. The only mention of truck climbing lanes is in Mitigation Measure 4.14-2(a).
- C329 The DEIR identifies impacts on City of Tracy streets resulting from project traffic. Some of these impacts would result due to other development which would occur if the project were not developed; for example, future jobs in the City of Tracy would be filled by residents from other communities. The DEIR does not assign responsibility for mitigation or allocate costs between the City, the County, and the project sponsor. CEQA does not specifically address responsibility for mitigation costs. The allocation of costs would depend on negotiations between the City, County, and project sponsor.
- C330 Transportation impacts were examined by the DEIR traffic consultant in Section 4.14 of the DEIR, which noted that 11th Street would require widening between I-205 and Corral Hollow Road. Table 4.14-16 indicated that the cost of this widening would total approximately \$3 million. As noted in response to C29, 25 percent of this cost was included in the financial section of the DEIR (Section 4.10) to provide an approximation as to the amount of cost for which the project would be responsible. Mitigation Measure 4.14-4(a) notes that "(t)he project sponsor should contribute a proportionate share toward the cost of future improvements on 11th Street..." Aside from the capital costs noted in Table 4.14-16, costs for other project-related road improvements inside the City of Tracy are not currently known. Mitigation Measure 4.14-4(a) notes, however, that "(t)he County should consider developing a program of traffic impact fees in order to provide cities with funding for improvements to accommodate traffic from new town developments."
- C331 It is not correct to assume that the project's fair share for funding all roadway improvements in the project vicinity would be 100 percent since the need for these improvements is attributable in part to other growth in the incorporated and unincorporated portions of the County. The fair share should be evaluated on a project-by-project basis.

Additional funding sources may be needed to implement all mitigation measures needed for cumulative future development. The County may be undercapitalized today, but could benefit from assessment districts and/or require traffic impact fees of new development.

- C332 The impacts of marina operation on water quality are addressed on pages 4.7-9 through 4.7-11 of the DEIR. These impacts were identified and evaluated in the hydraulic and water quality impacts report prepared for the DEIR (Appendix 10.12). At the time of preparation of the report, the implementation of the South Delta Water Management Plan, which includes a proposed tide gate on Old River at the location of the Mountain House New Community, was not approved. However, the hydraulic modelling performed for that report assumed the effects of the operation of the proposed tide gate on Old River (Appendix 10.12, page 10.12-8, paragraph two).

- C333 Comment noted. This comment does not address the contents of the DEIR. Contacts with the City of Tracy were made both formally and informally throughout the DEIR process by both members of the DEIR team and County staff. These contacts, when relevant to specific sections of the DEIR, are identified by individual names in Chapter 8. For example, Tony Bernakis is identified as a contact regarding school impacts. The City was also contacted to obtain the 1991-1992 City Budget by the DEIR fiscal consultant. The DEIR consultants met with Mr. Barry Hand of the City of Tracy on 21 February 1991 to discuss the best location for the Tracy Alternative Site. His name has now been added to Chapter 8 of the DEIR.

It should be noted that direct contacts between City staff and County staff or EIR subconsultants generally were not included in Chapter 8. For example, County staff met with City Community Development Department staff on at least four different occasions during preparation of the Draft EIR in order to ensure that City concerns were addressed in the text. This information was then passed on to the EIR consultant for inclusion in the text as appropriate.

#### **Byron-Bethany Irrigation District**

- C334 Page 4.4-1, paragraph three, has been changed to correct the maximum amount of water actually used by the water right holder from approximately 16,000 AF/day to 1,610 AF/day.
- C335 Page 4.4-9, paragraph four, has been changed to correct the basis for BBID assessments.
- C336 The proposed project includes modifying the BBID water use rights from irrigation that occurs over a seven-month period each year to municipal and industrial use (M&I) that occurs 12 months of the year. As noted in Impact and Mitigation Measure 4.4.1-2 on pages 4.4-7 and 8, this water rights modification is subject to review and approval by the State Water Resources Control Board.

The current water use pattern at the project site includes using varying amounts of irrigation water from March 15 to October 15 of each year. The highest need for irrigation water occurs during the driest and hottest months when the Delta flows are likely to be lowest. The portion of BBID water used during the two driest months of the year has been as high as 40 percent of the total annual use. Based on an average flowrate of 8,125 AF/year, the water diversion at the project site has been as high as an estimated 1,600 AF/month.

The proposed water supply would involve diverting a more consistent amount of water throughout the year. The project applicant estimates that the monthly water use would range from 4.4 percent (360 AF/month) during December and January to 14.4 percent (1,170 AF/month) during June and July. The estimated monthly diversion during the period from October 15 to March 15 would average five percent of the total annual water usage (408 AF/month).

Based on these estimates, it appears that the winter diversion would be relatively small when flows in the Delta would be relatively large. The summer diversions, when the Delta flows are historically the lowest, would be lower than in the past. In order to more fully determine the impacts on the biotic species due to water demands, a new Mitigation Measure 4.13-4(e) has been added.

- C337 The delivery of water to the project site could involve a change in the place of diversion. The site is currently served from a pump station on the south side of the California Aqueduct, between a fish screen facility and the Harvey O. Banks Pumping Plant. The proposed project description does not include reference to moving the intake to another location. Detailed design of the project water intake, including location, would be developed for approval of the Specific Plan. Subsequent environmental review may be required if the place of diversion is relocated.

#### **Caltrans District 4**

C338 Refer to Section 3.3 on page 3-9 of the DEIR.

C339 The projection of internal travel is based on a standard gravity distribution model incorporated in the San Joaquin County Travel Model. This model and its validation are described in *San Joaquin County Travel Model Development, Draft Final Report*, DKS Associates, January 1992 (available from County Community Development Department or Council of Governments).

See response to C308 for discussion of reasonableness of projected percentage of internal travel.

C340 Comment noted.

C341 See response to C80. Ramp meters are recommended at I-580/Grant Line Road to regulate the flow of traffic onto the freeway. There would be a substantial merging/weaving volume at this interchange; however, similar weaving conditions exist today at many on-ramps on I-880 in Alameda County.

C342 Comment noted. The DEIR identifies a staged Specific Plan approval process intended to ensure that mitigations are identified and in place prior to development. Refer to the responses to C208 and D130.

C343 Comment noted. Traffic demands on State highways generated by proposed new development in San Joaquin County, including the proposed project, will require substantial regional infrastructure investments. Development fees should be used for regional as well as local infrastructure improvements.

C344 Section 6.2 and Figure 6.1 have been changed to correct this inconsistency.

#### **Lammersville Elementary School District**

C345 The text on page 4.3-9 of the DEIR has been amended to include the cost of new facilities. Table 4.10-1 shows school capital costs totaling \$197.8 million. This total consists of \$111.4 million for the Lammersville Elementary School District, and \$86.4 million for the Tracy Joint Unified High School District. These figures are in 1991 dollars (and were provided by each district), which presumably explains the small discrepancy implied by the comment.

Part of the \$197.8 million would be financed through school impact fees; the remainder should be financed through assessments/special taxes applied against development within the New Town. To do so would require the creation of a special district such as a Mello-Roos Community Facilities District.

C346 One existing agricultural land trust within San Joaquin County is the San Joaquin Open Space and Farmland Trust (Address: P.O. Box 4126, Stockton, CA, 95204-0126). This Trust is an independent, private, non-profit corporation formed by a coalition of farmers, conservationists, business representatives, and government officials. Funding for the Trust comes from tax-deductible donations from corporations, grants, businesses, and individuals.

C347 Proposed sources of funding for schools, wastewater recycling, and disposal facilities are identified in Table 4.10-1 on pages 4.10-3 and 4.10-4 of the DEIR. Possible challenges in financing implementation are addressed under Impact 4.10-1 on page 4.10-5 of the DEIR.



- C348 The San Joaquin County Comprehensive Planning Program (CPP) includes policies in Volume I that favor a balance of jobs and housing. The DEIR on the CPP (San Joaquin County 1991d) addresses the need for an ordinance in the County's Development Title that ties residential development to job growth within the County. If an ordinance is developed, enforcement of compliance can be undertaken. It is true that mitigation monitoring could become very complex if a clearly-defined ordinance were not adopted.
- C349 A Habitat Conservation Plan (HCP) would not be necessary for Impact 4.13-2 of the DEIR (page 4.13-28 of the DEIR). However, an HCP may be necessary regarding any endangered or threatened species. For example, Appendix 10.16 of the DEIR addresses HCPs for the Swainson's hawk (page 10.16-8 of the DEIR). An HCP is currently underway in San Joaquin County for the San Joaquin Kit Fox.
- C350 Rapid transit of an inter-regional nature was not considered feasible for the buildout period of the project due to the high cost of tunnelling through the Altamont Pass. Alternatively, the DEIR focuses on other rail alternatives such as use of the existing Union Pacific tracks or other public transit mechanisms. Refer to the responses to C32 and C109.

#### **MEMBERS OF THE PUBLIC, PRIVATE COMPANIES, AND CITIZEN GROUPS**

##### **George Cardinet**

- D1 Appropriate changes have been made to the text throughout Section 4.5 of the DEIR.

##### **Southern Pacific Transportation Company**

- D2 The protection or improvement of stream crossings on Mountain House Creek is addressed in Mitigation Measure 4.7-2, page 4.7-9 of the DEIR, paragraph three, where the text of the DEIR has been amended.
- D3 Page 4.16-6 of the DEIR has been revised to reflect the train noise impact.
- D4 Comment noted. New text has been added to page 4.14-63 of the DEIR.

##### **Michael J. Barkley**

- D5 The impact of fireplace emissions on air quality is noted on page 4.15-8 of the DEIR. Mitigation Measure 4.15-1(f) would limit fireplaces to one per household, and require the use of either an EPA-certified woodstove/fireplace insert or a natural gas fireplace.

Regional emissions generated by commute traffic and other sources within the project are quantified on pages 4.15-8 through 4.15-10 of the DEIR. Public transit is addressed in Mitigation Measures 4.14-2(d) through 4.14-2(f), 4.14-5(c) and 4.14-5(d) within the Transportation section of the DEIR and Mitigation Measures 4.15-1(b) and 4.15-1(g) of the Air Quality section (Section 4.15).

##### **Georgiana Reickert**

- D6 This letter addresses the project rather than the DEIR.

##### **Emmet Chalk (Representative of Caltrans, District 10 [see Caltrans District 10 letter])**

- D7 Comment noted.
- D8 See response to C95.



- D9      Comment noted.
- D10     Comment noted.
- D11     Comment noted.
- D12     See response to C97.
- D13     See responses to C98 and C308.
- D14     See response to C99.
- D15     See response to C100.
- D16     Comment noted regarding reasonableness of assumptions relative to jobs-housing balance. See response to C308 regarding reasonableness of internal travel projection.

The east-west distribution split of traffic is, as noted in the comment, based on the "gravity model" distribution model embodied in the San Joaquin County Model. The gravity model does not explicitly account for housing affordability issues that may constrain where employees may live. However, as a part of the County model validation against 1990 traffic counts, "K-Factors" were applied to trips from San Joaquin County and the Bay Area and vice-versa in order to match the observed skew (i.e., a predominance of work trips from homes in San Joaquin to jobs in the Bay Area), and these factors were also applied to future conditions. These factors are intended to account in part for the housing affordability issue and resulting skew of traffic to the west.

- D17     Comment noted. See response to C95 regarding deferral of some mitigation measures to the Specific Plan or PSR stage.
- D18     We concur that the projections, with or without the project, indicate the potential need for 8 lanes on I-205. The left side of Table 4.14-13A shows the number of lanes assumed (six lanes based on SJCCOG input regarding currently planned projects) and the resulting levels of service. The rightmost columns of the table show potential effects of widening the freeway to 8 lanes. Since there are no current plans for widening the freeway to 8 lanes, it would be incorrect to revise the table.
- D19     Comment noted. The footnote for Table 4.14-13A has been revised to reflect the comment.

**Robert M. Lyman, Member, Old River Improvement Association**

- D20     The width of the buffer was determined in conjunction with the air quality and noise attenuation recommendations. One thousand feet allows for dissipation of odor and chemical drift before reaching homesites. Noise levels could be 26 decibels lower compared to a 50-foot buffer, since noise levels decrease six decibels for every doubling of distance. Several uses were recommended which could be compatible with agricultural production, e.g., golfers would not necessarily be using the course when chemical spraying is under way. The golf course could be closed at those times when spraying occurs. If the golf course is located within the buffer, signs should be posted alerting golfers that spraying does occur on adjacent agricultural lands. A one-thousand foot buffer was not recommended along the eastern boundary because a physical barrier exists, e.g., Patterson Pass Road. The prevailing winds in the area are from the west, thus the fields located east of the project site are downwind from the proposed development. This factor reduces the potential for land use conflicts to occur along the eastern property boundary.

- D21 It is true that a number of significant impacts cannot be fully avoided without denial of the project. Significant unavoidable adverse impacts are addressed in Section 6.4 of the DEIR.
- D22 Mitigation Measure 4.4.4-2(a) on page 4.4-39 of the DEIR has been modified to eliminate the east-west orientation requirement. The DEIR authors do not believe that it is appropriate to arbitrarily require a given percentage of solar energy in the new town. Rather, the mitigation measures are intended to influence the layout of the town and houses to allow for incorporation of solar collectors. Also, Mitigation Measure 4.4.4-2(c) on page 4.4-40 of the DEIR directs the applicant to assess the feasibility of solar heating systems in the new town. Using wind turbines for energy may be appropriate in certain locations. To address the use of alternative energy sources and to encourage energy efficiency, Mitigation Measure 4.4.4-2(h) on page 4.4-40 of the DEIR has been modified.
- D23 Visual impacts are a very subjective element of any EIR. It is true that the introduction of evergreen trees would contrast with the rural character with the area. However, these evergreen trees could be other than redwoods and could match other evergreens found along roadways in rural portions of the County. Setbacks and landscaping were recommended as the best way for screening buildings from the view provided by major roads in the project vicinity.
- Potential light and glare could be mitigated to a level of insignificance, as identified in Mitigation Measure 4.8-5.
- D24 The text of Mitigation Measure 4.9-1(a) has been clarified.
- D25 Comment noted. Section 4.11 of the DEIR recognizes that the proposed project's commercial acreage is unlikely to develop as rapidly or to the extent anticipated by the applicant.
- D26 This is considered an alternative mitigation and if implemented, must include all of the criteria listed or the mitigation measure does not fully mitigate the significant impact. The most important mitigation measure is to set aside the 1,500 acres north of Byron Road. The 100-foot buffer recommended in mitigation measure 4.13-2(a) is the standard buffer width which CDFG requires of all permanent wetland sites.
- D27 The DEIR recognizes that travel to, from, and within the project will predominantly be by private automobile. However, a number of mitigation measures are proposed to ensure the availability and maximize the use of public transportation by project residents and employees. Although the project is relatively remote from urban concentrations in the Bay Area, it could be effectively served by express bus service to Tri-Valley employment concentrations as well as to Bay Area transit connections. Also, should commuter rail between San Joaquin County and the Bay Area be implemented, the project could potentially be served by a nearby station. With the planned density of development, a basic level of local transit service could be operated within the site, and could also feed regional transit service. To be conservative, the DEIR assumes only a modest five percent reduction in peak hour traffic demand (due to the combination of transit, ridesharing and peak hour spreading) and no significant reduction over the day.
- D28 The project is located outside the nine-county area of the Metropolitan Transportation Commission. However, the traffic projections which form the basis for the transportation impacts and mitigations reflect MTC trip generation forecasts for the Bay Area which are in turn based on ABAG population/employment forecasts, and impacts on I-580 freeway and other Bay Area routes are discussed.
- D29 See response to C119.

**Bobbie Landers Member, Old River Improvement Association (1/29/92)**

- D30 Comment noted. The Board of Supervisors must determine whether the replacement of agricultural land should occur within the County. Mitigation Measure 4.1-2(e) recommends that the applicant be assessed impact fees which can be applied toward the purchase of development rights or to support a land trust which would purchase conservation easements. The Board could designate an appropriate land trust in San Joaquin County.
- D31 San Joaquin County has no jurisdiction over land use designations in Alameda County. If the buffer zone were redesignated by Alameda County, the recommended use may not be applicable. The text of the DEIR has not been changed.
- D32 This language would not be needed in this part of the DEIR. Section 4.13 addresses protection of valuable habitat near Old River and Section 4.3.1 addresses regional parkland along Old River.
- D33 Height limit recommendations are addressed on page 4.8-19 of the DEIR. No change to Mitigation Measure 4.2-1(c) is necessary.
- D34 The mitigation as worded allows flexibility for the Board of Supervisors' decision and does not restrict regional parkland solely to the project site.
- D35 Comments noted. The provision of a boat ramp to serve project residents would be in keeping with the recommendations in the biological resources section which calls for the elimination of the marina, but provision for a boat launching ramp and storage facilities for new residents. The recommended mitigation measures are sufficient to address identified impacts.
- D36 Mitigation Measure 4.3.4-2(a) is sufficient, as stated, to mitigate impacts.
- D37 Mitigation measure 4.3.5-1 on page 4.3-17 of the EIR has been changed.
- D38 No change in the text of the DEIR would be needed.
- D39 See responses to C208 and D130.
- D40 Mitigation Measure 4.4.3-1(a) requires that an NPDES permit application be filed 30 days prior to commencement of construction. Although the general NPDES permit for construction has not yet been prepared for construction activities, the 30-day requirement is consistent with the general NPDES permit for industries. There is no reason to require that this issue be addressed at the General Plan Amendment stage, since the Specific Plan stage would still be more than 30 days prior to construction. No change is necessary.
- Mitigation Measure 4.4.3-2(a) requires a Streambed Alteration Agreement with the California Department of Fish and Game. This agreement cannot be reached until the stream modifications have been designed and the Department has reviewed and approved the design. It would not be feasible to do this at the General Plan Amendment stage. No change is necessary.
- D41 Completion of levee improvements and a channel design and maintenance prior to the Specific Plan stage will allow sufficient time for review and approval of these mitigation measures before project construction approval is granted.



- D42 The comment is directed at the proposed project development plan. The mitigation measures presented in the DEIR are considered to be adequate to reduce the potential impacts associated with marina construction and operation to an insignificant level.
- D43 The proposed mitigation of the potential impact of restricted flow in the proposed marina is based on the hydrologic modelling study prepared for the DEIR (Appendix 10.12). Implementation of the recommended forced circulation system in the marina at the construction stage would appear to be appropriate, if the project were approved.
- D44 This change in wording would not be necessary to mitigate the identified impacts.
- D45 Comment noted.
- D46 It is impossible to precisely identify the businesses and industries that will locate in any area within a one year time frame, much less a 17-year time frame.
- D47 Refer to response to D35.
- D48 Equestrian trails could be developed as part of the proposed regional parklands. The transportation section addresses pedestrian and bicycle trails as alternatives to the private automobile for work and other daily trips, which are not applicable to equestrian use.

**Bobbie Landers Member, Old River Improvement Association (1/29/92)**

- D49 The project proponent submitted a "Mitigated Plan," or revised land use diagram, to the County during the review and comment period for the Draft EIR. The revised land use diagram was an attempt on the project proponent's part to graphically address some of the potentially significant impacts identified in the DEIR. This revised diagram did not increase or significantly alter any of the acreages, land use types, densities, or job generation figures analyzed in the DEIR. It is the responsibility of the County to assess this diagram and determine which, if any, mitigation measures specified in the DEIR can be modified or eliminated as a result of this revised diagram. This revised diagram or "Mitigated Plan" was distributed to all interested agencies and persons at least 30 days prior to the scheduled public hearing so that there was adequate time to incorporate any and all comments on this plan into the staff analysis.
- D50 This comment does not address the contents of the DEIR.
- D51 Comment noted.

**Wicklund Properties**

- D52 Figure 4.1-3, page 4.1-10 of the DEIR has been revised to reflect the status of the Williamson Act Contract lands.
- D53 It is true that the area south of I-205 could develop should the County approve development in this area. For this reason, a portion of the wording in the fourth paragraph on page 4.8-10 has been removed.
- D54 Comment noted. The DEIR authors do not recommend any change in language, as the proposed location of job-generating land uses would be within adequate proximity to I-205, even with incorporation of the recommended setback.



- D55 The phasing plan is not that of the DEIR authors, but that of the applicant as stated on page 3-14. Phasing, as related to economics, was not part of the DEIR analysis.

**Raymond A. Andresen**

- D56 Comment noted. Removal of prime farmland is addressed in Section 4.1 of the DEIR, and is identified as an unavoidable adverse impact..
- D57 Comment noted. The Tracy Alternative Site is addressed in Section 5.3 of the DEIR.
- D58 Comment noted. The Livermore Alternative Site is addressed in Section 5.4 of the DEIR.

**San Joaquin Audubon Society (1/21/92)**

- D59 The habitat for the black rail, yellow harrier and yellow-breasted chat does not occur along the segment of Old River bordering the project site.

The impact of boat wake erosion on the structural integrity of levees is addressed on page 4.7-12 as a new Impact 4.7-7.

- D60 Refer to response A3 regarding the giant garter snake. Refer to discussion in text on page 4.13-23 regarding the Western pond turtle. Impact 4.13-4 on page 4.13-30 of the DEIR addresses the potential impact to this species.
- D61 Refer to response A2.
- D62 The Hairy Woodpecker is not rare. It has a wider distribution in the United States than its smaller cousin, the Downy Woodpecker (*Birds of North America*, National Geographic Society, 1987). Only species observed on-site by the DEIR biologist were reported, and not species purported to live on the project site.

The violet-green swallow is far more common in this area than the tree swallow, primarily because of the tree swallow's need of old trees with vacated woodpecker holes. The violet-green uses a variety of nesting sites, including nooks and crannies in human dwellings. The latter is available on the project site, but old dying trees with woodpecker holes are not. As for describing the violet-green swallow as a summer breeding resident, this is in direct accord with CDFG's 1990 publication, *California Wildlife, Volume 2: Birds*, which shows the eastern half of Alameda and Contra Costa Counties as "summer range" for this species. The violet-green swallow is more widely distributed in California (occurs in all except one county) than the tree swallow, which is essentially absent from the southern one-third portion of the state.

A small flock of tri-colored blackbirds was observed once in the small marsh just west of the project site in early summer, although they did not nest there. The range map for this species in *California Wildlife, Vol. 2: Birds*, (CDFG) shows the Alameda County/San Joaquin County border as the most westerly extent of the year-round range of the species north of Monterey Bay. Thus, this observation seems to be a case of a small flock moving along the edge of its range and, in this case, not finding a suitable nesting area. It, therefore, has been reported correctly, and until it is actually granted threatened or endangered status, its singular occurrence near (not on) the site merits no greater mention than given in the DEIR.

- D63 Preservation of the 1,500 acres on site will preserve numerous ground squirrel colony sites which are potential burrowing owl habitat.

- D64 Only one pair of Swainson's hawks was reported because their color contrast was great enough to be easily recognized each time they were observed. The other color phases were far less varied and, thus, easy identification of specific pairs was difficult. Because of this, only the apparent contrasting color pair was reported.

**San Joaquin Audubon Society (1/29/92)**

- D65 These comments are noted.
- D66 Comment noted. Refer to response to D49.
- D67 Refer to D66.
- D68 Refer to D66.
- D69 Refer to D66.
- D70 Comment noted.

**Charles Spatafore**

- D71 Comment noted.
- D72 Comment noted.
- D73 Comment noted.
- D74 Comment noted.
- D75 Comment noted. County staff is currently discussing Mr. Spatafore's concerns with him as they relate to the proposed project.

**Ted C. Fairfield**

- D76 Comment noted.
- D77 The text on page 5-36 of the DEIR has been changed to reflect the opportunity for specific land uses in proximity to the FCC monitoring station.
- D78 Page 5-39, paragraph five, has been changed to clarify the status of the potential water supply to serve the North Livermore Alternative Site. Refer also to responses to C126 and C127.
- D79 One sentence has been removed from the fourth paragraph on page 5-41 of the DEIR. However, the statement regarding the recorded site has not been removed since at the time of printing this Final EIR, the recorded site had not been removed from the records of the California Archaeological Inventory.
- D80 Relative to the seismic setting of the Mountain House project area, the North Livermore area appears to have 1) a higher potential for fault rupture (the Greenville fault zone traverses the property), 2) greater proximity to the closest identified active fault zone to each project and a relatively lower potential for attenuation of seismic waves, and 3) steeper topography and relatively higher potential for earthquake-induced landsliding.

- D81 Comment noted.
- D82 Section 4.11 of the DEIR indicates that development of the proposed project is unlikely to improve upon the existing balance between jobs and housing in San Joaquin County.
- D83 The four other new towns are omitted only from the Proposed Project Scenario. This is because it was considered unrealistic, based on market analysis, that any of the employment growth assumed in the other new towns could be supported along with full employment buildout in Mountain House. The Market-Constraint Scenario, with less employment in Mountain House, includes the same assumptions about the other new towns (full population buildout and about 44 percent employment buildout) as the No Project alternative. It is correct that if all the new towns were included in the Proposed Project Scenario, greater increases in traffic between the No Project and the Project would be projected than indicated in the DEIR. However, this is not the case with the Market-Constraint Scenario. The difference between the volume increase of 18,000 between the No Project and Market-Constraint Scenario shown in Table 4.14-12B and the number of project-generated trips to/from the Bay Area (actually projected as 34,800 daily vehicles) is attributable in part to use of other routes (e.g., Altamont Pass Road and Byron Road) as well to replacement by the project of some I-580 trips when adding the project to other cumulative growth (see response to C69).
- D84 For the North Livermore site, I-580 and I-205 freeway volumes would be about 20,000 daily vehicles less east of the site but 6,000 daily vehicles more west of the site. There would be a reduction in vehicle miles traveled in San Joaquin County and an increase in vehicle miles traveled in Alameda County for the alternative site; the net effect over the entire region would likely be a relatively small reduction.
- D85 As stated in the DEIR, the Mountain House project would result in slightly longer trip lengths and more vehicle miles traveled than the North Livermore Alternative. The DEIR also states that I-580 volumes at Altamont Pass would be higher for the Mountain House project than the North Livermore site. The projected need for additional lanes on I-580 east of Livermore is the same for either alternative, although the North Livermore Alternative would provide a better level of service due to the reduced amount of traffic.

**Harry M. Nichandros, Pacific Bridge Company**

- D86 At the time of publication of the DEIR, the Tracy Station project was in its pre-application stage. Text regarding Tracy Station has been added to page 4.1-14 of the DEIR and to Section 6.1 of the DEIR.
- D87 This comment does not address the adequacy of the DEIR.
- D88 Refer to response to D87.
- D89 Refer to response to D87.

**Land Utilization Alliance**

- D90 Land banking could be considered as a mitigation. However, it must be pointed out that this does not mitigate the direct loss of the prime agricultural land on the project site. Refer to C191. Mitigation 4.1-2(e) calls for assessing an impact fee to be applied towards the purchase of development rights on agricultural land or to support a land trust.
- D91 Physical barriers provide a separation between the proposed development and adjoining agricultural lands to the north, east, and south of the project. Additionally, a buffer to attenuate freeway noise



has been suggested along the southern boundary. To prevent growth-inducing impacts, a buffer area on the east side of the project site has also been recommended in Section 6.2 of the DEIR, page 6.21.

D92 The Department of Finance will be releasing its next set of population projections in July 1992. Changing the projections presented in the DEIR would therefore be premature.

D93 The DEIR identifies the project's impact on regional air quality as significant. The Mitigation Measures identified on pages 4.15-10 and 4.15-11 of the DEIR represent a comprehensive program of controlling and reducing emissions from direct and mobile sources associated with the project, but the DEIR notes that even with implementation of the available mitigation measures, emissions would still have a significant adverse air quality effect. Regarding compliance with the California Clean Air Act, see response C21.

The mitigation program identified in the DEIR would reduce the impacts of the proposed project, but cannot be expected to eliminate existing regional air quality problems to a less-than-significant level.

D94 See response to C21. The project would affect future updates of the State or Federal attainment plans for the region in that the population projections for future years in San Joaquin County would be affected. Should the approval of the project affect County population projections, these higher projections would be reflected in the updated attainment plans. Presumably, increased control of emission sources, or adoption of controls for additional source categories would be required to offset the higher population projections.

D95 The program of air quality mitigation measures in the DEIR does not depend on or assume adoption of an indirect source control program or rule by the San Joaquin Valley Unified Air Pollution Control District. The mitigation program requires the same types of measures that would be required under an indirect source rule (e.g., TDM, formation of a TMO, transit/pedestrian/bicycle incentives).

The responsibility of this project is to use "all feasible control measures" to reduce emissions. See responses C21 and C154 regarding the comprehensiveness of project mitigation measures.

The relationship between air pollution exposure and respiratory health problems has long been demonstrated statistically, but it is not possible, given the current state of knowledge regarding the formation/transport of pollutants and human response to pollutants, to provide an estimate of incremental health care costs associated with an incremental increase in regional air pollutant emissions.

D96 Offsets are reductions in emissions at another site to reduce or eliminate the impact of a project. Offsets have been required for a number of years for large stationary sources, and the *1991 Air Quality Attainment Plan* provides for revisions to the District's New and Modified Source Review rules to provide for "no net increase" in emissions from stationary sources. To obtain no net increase, a new source must obtain offsets equal to its impact. An emissions reduction credits banking program is proposed that would allow new sources to purchase "credits" deposited by existing sources that have been eliminated or controlled.

No such offset program is proposed in the *1991 Air Quality Attainment Plan* for indirect sources. One of the purposes of the proposed indirect source review program is, however, to "significantly reduce or offset emissions from new and modified indirect sources."



Mitigation Measure 4.15-1(i) recommends that the County adopt an indirect source mitigation goal of 25 percent to partially offset project impacts. Off-site mitigation could be financed through a fee charged to developments unable to demonstrate a minimum 25 percent reduction. Any such County program should be superseded by the adoption of an Indirect Source Review rule by the San Joaquin Valley Unified Air Pollution Control District, assuming the District rule is at least as stringent as the County requirement.

- D97 Land Utilization Alliance's concerns are based on the hierarchy of users when an agricultural user is served by the same district as a municipal and industrial (M&I) user. The "higher" use for M&I could reduce the water available to the agricultural user resulting in rising water costs if the total BBID water rights were reduced. These concerns are identified in the DEIR on page 4.4-8, Impact 4.4.1-3, and on page 4.4-10 in Mitigation Measure 4.4.1-3.

**Pacific Gas and Electric Company**

- D98 This information has been incorporated in the top paragraph on page 4.4-37 of the DEIR.
- D99 Relevant information has been incorporated in the top paragraph on page 4.4-37 of the DEIR.
- D100 This comment has been addressed in an additional Mitigation Measure 4.4.4-1(e) on page 4.4-38 of the DEIR.
- D101 Paragraph one on page 4.4-38 of the DEIR, regarding possible improvements in PG&E easements, has been modified to limit the listed improvements to electrical transmission line easements and the reference to drainage basins has been deleted.
- D102 This information has been incorporated in paragraph 4 on page 4.4-37 of the DEIR.
- D103 The issues regarding heavy equipment crossing Line No. 2 gas pipeline and landscaping restrictions in gas pipeline easements are addressed in paragraph 1 on page 4.4-38 and in the additional Mitigation Measure 4.4.4-1(e) on page 4.4-38 of the DEIR.
- D104 The fuel oil line in PG&E's Line No. 2 easement is already noted in paragraph 2 on page 4.12-4 of the DEIR.
- D105 New Mitigation Measure 4.12-1(g) on page 4.12-9 of the DEIR states that the applicant should obtain approval from owners of buried fuel pipelines for development on their easements.
- D106 This comment is addressed in new Mitigation Measure 4.4.4-1(e) on page 4.4-38 of the DEIR.
- D107 The DEIR text on page 4.12-4, fourth paragraph, and Impact and Mitigation Measure 4.12-5 on pages 4.12-11 and 4.12-12 of the DEIR have been changed.
- D108 The mitigation measure has been deleted. Transmission lines in the project area are located at a sufficient height to virtually eliminate the potential for electrical or magnetic interference (from the lines) with pacemaker operation (Sneed, 1992). Current pacemaker technology has significantly reduced the potential for electrical and magnetic interference from transmission line.
- D109 Suggested wording has been changed in paragraph 2 on page 4.4-37 in the DEIR.
- D110 Suggested wording has been changed in paragraph 2 on page 4.4-37 in the DEIR.

D111 The DEIR authors are of the opinion that hydroelectric projects may adversely affect the environment. The flooding of reservoirs eliminates riparian and other habitat; diversion of water in tunnels alters and in some cases, eliminates aquatic habitat along sections of rivers; construction of hydroelectric projects generally cause severe erosion. However, we do agree that the word "destructive" may be inappropriate. Instead, we have replaced "destructive" with the word "detrimental" in Impact 4.4.4-2 on page 4.4-38 of the DEIR.

The suggested statement regarding PG&E's corporate commitment towards energy efficiency does not appear to be relevant to discussion in the DEIR.

D112 This information has been incorporated in paragraph 2 on page 4.4-37 of the DEIR.

D113 The discussion in paragraph 4 on page 4.4-37 and top paragraph on page 4.4-38 of the DEIR appear to be consistent with the information in this paragraph regarding financial responsibility for relocating PG&E facilities. The DEIR currently states that "PG&E would approve of ...(relocation and underground conversion)... projects if the proponent is willing to finance the work and the new alignments are owned by the proponents."

D114 Discussion of Senate Bill 920 on page 4.12-6 of the DEIR has been eliminated.

D115 Comment noted.

D116 New text has been added to page 4.12-5 of the DEIR to summarize the results of a recent study performed by the University of Southern California on the possible influence of electric and magnetic fields on the development of childhood leukemia.

D117 The discussion in the DEIR is consistent with the information by the commentor regarding the need for new or expanded PG&E facilities. The second paragraph on page 4.4-37 states that new facilities would be required.

D118 Environmental assessments are already required in Mitigation Measures 4.12-1(a), (d), and (e) in the Public Health and Safety section on page 4.12-9 of the DEIR.

D119 New Mitigation Measure 4.4.4-1(e) on page 4.4-38 of the DEIR recommends that the applicant submit plans to PG&E for review and approval. It would not be appropriate to include the address of the PG&E in the EIR.

D120 New Mitigation Measure 4.4.4-1(e) requires the applicant to submit plans to PG&E for review and approval.

**Steve Stocking, Conservation Co-Chair, Sierra Club-Delta Chapter**

D121 Comment noted.

D122 The DEIR discusses future levels of service on area freeways. In most cases, projected level of service "F" could be avoided with mitigation measures discussed, although substantial roadway improvements are required.

The DEIR does not claim that additional on-site employment will reduce overall traffic levels. The traffic projections show only that a higher percentage of internal travel is likely to occur with higher levels of on-site employment.

It is true that people cannot be forced to work where they live, and the traffic projections do not presume this. However, the proposed Land Use and Traffic Monitoring Program and phased Specific Plan approvals provide the County the means to monitor land use and travel characteristics and to delay or revise subsequent approvals should the project proponent's phasing not actually occur or achieve its objectives.

- D123 Increased use of the Delta is addressed under Impact 4.3.4-2 on page 4.3-14 of the DEIR and Impact 4.13-4 on page 4.13-30 of the DEIR.
- D124 Comment noted.
- D125 Comment noted.
- D126 Comment noted.
- D127 The riparian corridor should be fenced to restrict both humans and domestic animals. Also, a dog leash ordinance must be strictly enforced.
- D128 The California hibiscus, a Federal Candidate 2 species, may occur on the site along Old River; however, this must be confirmed with a summer survey. A mitigation has been added to page 4.13-31 calling for an August-September survey.
- D129 Comment noted.

**Plumbers and Steamfitters UA Local 492 and Northern California/Northern Nevada Pipe Trades District Council 51**

- D130 The Mountain House New Town project will require a lengthy series of discretionary governmental approvals. Each succeeding step in the approval process will consider the project at a greater level of detail and specificity. In compliance with the requirements of CEQA, this EIR is being prepared "at the earliest feasible time" and in conjunction with the first discretionary project approvals -- a General Plan amendment to designate the site for residential, commercial, industrial and public uses, and a cancellation of Williamson Act contracts on a portion of the site. Later steps in the approval process will include a minimum of three subsequent plans: 1) a communitywide Public Services and Facilities Plan, 2) a communitywide Public Financing Plan, and 3) one or more Specific Plans for the phases of the project. These plans will require further environmental review, based on the additional information included in these plans. However, references in the responses are to "Specific Plans," rather than specifically defining which of the three subsequent plans may be utilized, since there will be overlap in content. Tentative map approval and issuance of conditional use or other development permits will also be subject to environmental review in accordance with CEQA requirements. The DEIR examines all potential significant impacts that may occur during the planning, development, construction, and operational phases of the proposed project, based on information reasonably available at this stage of the process.

CEQA recognizes that, in the case of a complex, multi-phased project such as Mountain House, it is infeasible and unnecessary to prescribe detailed, site-specific mitigation measures for each potential project impact at the initial approval stage. Through the use of the "tiering" process, which is provided for and encouraged in the CEQA Guidelines, successive environmental analyses can focus on the issues for which necessary information is reasonably available and which are ripe for decision at that time.



The Resources Agency's discussion of Section 15152 of the Guidelines confirms the validity of the approach taken in the Mountain House DEIR:

"The tiering concept authorized in this section is designed to promote efficiency in the process and to improve the compatibility of the CEQA process with the NEPA process. This section recognizes that the approval of many projects will move through a series of separate public agency decisions, going from approval of a general plan, to approval of an intermediate plan or zoning, and finally to approval of a specific development proposal. Each of these approvals is subject to the CEQA process... Tiering is an effort to focus environmental review on the environmental issues which are relevant to the approval being considered.

This approach recognizes that not all effects can be mitigated at each step of the process. There will be some effects for which mitigation will not be feasible at an early step of approving a particular development project, and the section would allow a Lead Agency to defer mitigation of that kind of effect to a later step."

The court decision in Citizens for Quality Growth v. City of Mount Shasta, 198 Cal. App. 3d 433 (1988), which is similar to Mountain House in that it dealt with an EIR on a General Plan amendment, also recognizes that "detailed mitigation measures may not be possible before a specific development plan is proposed," and "general mitigation measures may be adopted and...suggested in the EIR." (p. 442).

In keeping with these authorities, the Mountain House DEIR focuses "on the environmental issues which are relevant to the approval being considered;" i.e., the issues which are most relevant to the decision whether the Mountain House site should be converted from agricultural use to a mix of residential, commercial, and other urban-suburban uses. Those issues include land use, zoning and general plan policies, biological resources, transportation, and air quality, all of which are the subject of more than 70 proposed mitigation measures in the DEIR.

The case of Sundstrom v. County of Mendocino, 202 Cal. App. 3d 296 (1988), cited in the comment, is not in contradiction to the above approach. In that case, the County had prepared a negative declaration on a conditional use permit for a private sewage treatment plant. The County had not prepared an EIR on the project and no further discretionary approvals were required for the project to proceed. In this situation, the court held that the County could not justify a conclusion that the project would not have significant environmental impacts by adopting mitigation measures which took the form of requiring future studies that would only be reviewed and (perhaps) implemented at the staff level.

In contrast, the Mountain House General Plan Amendment currently under consideration is merely the first step in an extensive governmental review process that may ultimately lead to development of the Mountain House New Town. Similarly, the current EIR is merely the first stage in the overall process of CEQA review for the project. Subsequent review and approval will take place at the level of the Planning Commission and Board of Supervisors, not merely that of staff. Specific mitigation measures, which are dependent on information to be developed at the specific Plan or other later stages of project approval, will be reviewed and considered for adoption by the appropriate decision-making body, such as the Commission or the Board. Any revisions to project plans which are necessary as a result of such mitigation measures will be incorporated into or made conditions of any project approvals issued at that time.

Additional responses to the specific issues referenced in the last paragraph of this comment are set forth below:



- Impact on and replaceability of existing wetlands: Wetlands are identified and discussed in Section 4.13 of the DEIR, specifically under Impact 4.13-3 on page 4.13-29 of the DEIR.
- Feasibility of the proposed wastewater treatment facility: The DEIR does not question the ability of the project applicant to provide a feasible wastewater treatment facility, but identifies all the procedures that must be followed to minimize the potential for the disposal of inadequately treated wastewater (Section 4.4.2 of the DEIR). These procedures would not affect the proposed land use plan unless the applicant were unable to prove that a sufficient amount of off-site and on-site land was available for use of reclaimed wastewater. If more on-site land were needed for this purpose, further General Plan amendments might have to accompany the Specific Plan.
- Adequacy and quality of the water supply for residential consumption: The issue of water supply is addressed in Section 4.4.1 of the DEIR. Additional information is provided in the responses to C179 through C182 and C208.
- Impacts on habitats of protected species: Section 4.13 addresses impacts on habitats of protected species. Mitigation Measure 4.13-1(e) recommends additional surveys to confirm the presence of the San Joaquin kit fox. Should such studies confirm the species' presence and result in recommendations for on-site protection, the General Plan could be further amended prior to adoption of the Specific Plan.
- Potential costs of soil remediation on obtaining financing for the project: The costs of potential soil remediation cannot be determined at the present time due to the extensive site acreage and lack of site-specific information regarding possible contamination. Obtaining such information prior to a General Plan Amendment could be extremely expensive and highly speculative due to the need to develop a sampling program based on specific land uses in specific locations. For example, testing of soils in a proposed residential or school area would likely be more detailed than in a proposed industrial or commercial area. Moreover, it is not the function of the EIR to speculate on the developer's prospects for obtaining project financing.

The DEIR clearly states on page 4.12-10, under Mitigation Measures 4.12-2 (b) and (c) that identification of potentially-contaminated areas should occur prior to development of the Specific Plan and that remediation of any affected areas in accordance with applicable regulatory requirements should be undertaken prior to project construction.

D131 None of the issues identified in comment D130 is likely to result in findings of additional significant, unavoidable impacts. In any event, approval of a General Plan amendment does not commit the County to ultimate project approval if additional significant impacts emerge as the project becomes more definite and specific during the course of the approval process.

CEQA does not require that the costs of mitigation measures be assessed. However, this DEIR attempts to identify costs as reasonably as possible, as discussed in Sections 4.9 and 4.10 of the DEIR. Additional text has been added to Section 4.10, Table 4.10-1, pages 4.10-3 and 4.10-4 regarding levee reconstruction, wildlife habitat, and road improvements.

D132 Comment noted. The referenced findings are not a part of the DEIR or Final EIR.

D133 Refer to the responses to D130, C208, and to specific issues that are addressed in following responses.

- D134 Refer to the responses to D130 and C208. Recirculation of the DEIR is not considered necessary because the FEIR merely clarifies and amplifies the information obtained in the DEIR which was circulated for public review.
- D135 Refer to responses to D130 and C208. The need for and costs of public services and facilities are addressed in Sections 4.3, 4.4, 4.9, and 4.10 of the DEIR. The referenced geotechnical studies (Mitigation Measure 4.6-2) would be appropriate at the Specific Plan stage. This mitigation measure states that the studies should recommend appropriate foundations and pavement subgrade treatment. Such recommendations cannot be made without site-specific information concerning the locations of roads, structures, and other facilities which is not available until the Specific Plan stage. The financial analysis contained an adequate degree of detail appropriate for an EIR on a proposed General Plan amendment. The issue of public health hazards is addressed in Section 4.12 of the DEIR and in the response to D130. The issue of biological resources is also addressed in the response to D130.
- D136 Service and capital costs are presented in Section 4.9 and 4.10 of the DEIR, respectively, for park and recreational facilities, school facilities, fire protection, and police services. The costs to recycle solid waste would be passed along in the collection rates.
- D137 Refer to the responses to D130 and C208.
- D138 Specific geotechnical studies are appropriate for the Specific Plan stage and not General Plan Amendment stage. Refer to responses to D130, D135, and D161.
- D139 The fiscal and financial mitigation measures presented in Section 4.9 and 4.10 of the DEIR are intended to provide the policy framework within which a financing plan would be formulated at the Specific Plan stage of project approval. The "reasonably specific" financial plan requested by the comment requires a level of accuracy regarding capital costs, service requirements, property values, and resident household incomes that cannot reasonably be attained at this early stage of the development approval process.
- D140 Refer to the response to D130.
- D141 Refer to the response to D130.
- D142 Refer to the responses to C208 and D130. The DEIR does not address the project in a piecemeal fashion, as stated in this comment, but addresses all phases as discussed in the response to D130. Given that the proposal is for a General Plan amendment, the DEIR analysis includes an effort to disclose all that is reasonably and feasibly possible at this stage of the process. In accordance with the intent of CEQA, the DEIR identifies potentially significant impacts before project momentum reduces or eliminates the lead agency's flexibility to subsequently change its course of action.
- D143 The Cumulative Impacts analysis is included in Section 6.1 of the DEIR. Since publication of the DEIR, additional projects have come to the attention of the DEIR authors. For this reason, revisions to Section 6.1 of the DEIR have been made.
- D144 As discussed on page 4.14-5 and in the new text added to page 6-1 of the DEIR, all five new communities were included in the analysis of cumulative traffic impacts under the Market-Constraint Scenario. These communities were also included in the air quality analysis (Section 4.15) under the same scenario.

- D145 Refer to the response to D144. The cumulative impacts analysis for land use addressed the Central Valley. Specific counties are identified on page 6-1 of the DEIR.
- D146 A 20-mile radius was considered appropriate as a general guideline for a project the size of Mountain House; however, it should be noted that many sections of the cumulative analysis address a much greater geographic area. For example, the land use analysis addresses the Central Valley and the air quality analysis addresses the San Joaquin Valley air basin. As noted in the response to D143, additional projects have been added to the list of cumulative projects and the 1991 General Plan DEIR information has been used when appropriate.
- D147 It is recognized that growth-inducing effects may be unavoidable and text to this effect has been added to the last paragraph on page 6-21 of the DEIR and to Section 6.4 on page 6-22 of the DEIR. It is not the province of the EIR to speculate whether a zoning ordinance affecting other properties outside the project boundary would be legally valid.
- D148 The Reduced-Scale Alternative incorporates a number of the recommended mitigation measures, especially as related to land use densities and locations, and thus is considered a "Mitigated Alternative." Many of the recommended mitigation measures would not be reflected on a land use plan (i.e., noise walls, fencing, or landscaping). There is no requirement in CEQA or the CEQA Guidelines that an EIR combine all recommended mitigation measures into a "fully mitigated alternative."
- D149 Due to the extensive acreage of land under Williamson Act contract in San Joaquin County and the nature of the proposed project - a largely self-contained new community - identifying an alternative site that would not require any Williamson Act contract cancellations would be extremely difficult, and perhaps impossible, especially if other siting criteria such as reasonable access to freeways and level land for development were considered. The Draft EIR on the San Joaquin County Comprehensive Planning Program (San Joaquin County, 1991d), published in December 1991 just after publication of this DEIR, includes maps of lands under Williamson Act contract in Section 4.1. An overview of these maps identifies how extensive the lands under contract are and how the urbanized areas and hills in the extreme southwest and northeast of the County are the only areas where large acreages are not under contract.
- D150 Text regarding the applicant's views regarding feasibility of the alternatives has been added to pages 5-1, 5-4, and 5-5 of the DEIR.
- D151 The five alternatives evaluated provide a reasonable choice for decision-makers, especially because the alternatives identify which impacts of the proposed project could be mitigated and to what extent.
- D152 The findings are not a part of this DEIR. While the applicant has stated that none of the alternatives would be feasible, the lead agency ultimately must decide the feasibility of the alternatives. According to the CEQA Guidelines, Section 15126, the alternatives "shall focus on alternatives capable of eliminating any significant environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly." It is not clear in this comment what mitigation measures would be considered of unknown feasibility.
- D153 Refer to responses to D208 and D130.
- The applicant will be providing on-site fire protection service through the formation of a community services district. As stated in the DEIR, the institutional arrangements have not been completed. At this stage of the planning process, the DEIR has identified the impact and discussed project plans



to provide service. The specific plan provides the vehicle in which project details can be finalized, including implementation measures which address financing measures.

- D154 A large construction work force currently resides in San Joaquin County and in surrounding counties. This work force is expected to grow along with general population growth of the region. The report "Growth Forecast for San Joaquin County," prepared in 1991 by Economic and Planning Systems, Inc., provided a projection of employment related to development activity in the County.

The purpose of the EIR is to analyze the likely physical impacts of the project on the environment, rather than socio-economic issues such as the likely wage packages and residences of the construction work force.

- D155 The DEIR acknowledges the loss of wildlife habitat on pages 4.13-25, 4.13-28 and 4.13-29. Mitigation measures were recommended to reduce the impacts to a less-than-significant level. The commentor should also refer to A3 and D176 regarding the giant garter snake and the Aleutian goose.

A change in the text on page 4.2-8 of the DEIR has been made regarding housing affordability. Section 4.11 of the DEIR addresses mitigation measures for housing.

- D156 Comment noted.

- D157 Commentor should refer to discussion following impact 4.1-1 on page 4.1-14 of the DEIR. While not directly tied to each finding on page 4.1-15, this discussion pertains to the cancellation of the Williamson Act contract. Additional language has been added to page 4.1-14 of the DEIR. Mitigation Measure 4.1-1(b) has been removed in response to this comment.

- D158 Comment noted.

- D159 Comment noted. Refer to responses to C208 and D130.

- D160 Refer to responses to C208 and D130.

- D161 The commentor has suggested that no site-specific geotechnical studies were performed or discussed in the DEIR. However, two preliminary geotechnical studies (Kleinfelder and Associates, 1989; Earth Systems Consultants, 1990) were prepared for the project applicant. The findings of these investigations were summarized on pages 4.6-1 through 4.6-5 of the DEIR. Review of topographic maps and aerial photographs of the property and a site reconnaissance by a BASELINE geologist did not produce evidence which would contradict the findings of previous reports and maps that did not identify active faults or landslides within the property boundaries. Furthermore, it is not appropriate at the stage of a General Plan amendment to prepare an erosion and sediment control plan.

- D162 New text has been added to page 4.13-20 of the DEIR for Mitigation Measure 4.13-3(a). The DEIR consultant did not recommend acceptance of the applicant's 40-acre "new" wetland as mitigation for the loss of the small wetland sites southwest of Byron Road. Mitigation Measure 4.13-3(a) recommends enhancing and increasing the size of the existing small wetlands adjacent to Kelso Road. This wetland site is the terminus of what appears to be an old natural drainage which runs northwest to southeast across the northeast corner of the property. It is represented by a seasonal slough and another smaller cattail marsh outside the project site borders. Thus, enhancement of the segment on the site would be an important first step in preserving a historic wetland.



Enlarging an existing marsh can be successful. It is the opinion of the DEIR biologist that starting with the existing marsh situation and sculpturing out more marsh habitat from its edges, the existing plant community would rapidly colonize this area.

D163 Refer to response to D279.

D164 The DEIR considers the relationship of stormwater management to the California Inland Surface Waters Plan (Plan). The Plan contains water quality objectives for all waters except for oceans, enclosed bays, and estuaries. In Chapter III, Section K of the Plan, it states that the Regional Boards shall determine actions necessary to ensure that stormwater discharges are in compliance with the objectives in the Plan. The actions that the Regional and State Boards have determined are necessary thus far, are stormwater NPDES permitting of municipalities greater than 100,000 population and General Permits for specific industries. Since the Mountain House community would have a population less than 100,000, the municipal permit would not apply. Mitigation Measure 4.4.3-1 on page 4.4-31 of the DEIR recommends that the project applicant submit an NPDES application for industrial activities.

It would be infeasible to require detailed design of the stormwater system in the Mountain House General Plan Amendment Application. Mitigation Measures 4.4.3-(b), (c), (d), 4.4.3-2(a), (b), 4.4.3-3(a), (b), (c), (d), (e), 4.4.3-4(a), (b), (c), (d), and (e) are intended to ensure that the stormwater system would be designed with the necessary features to mitigate potentially significant impacts.

On page 4.7-9 of the DEIR (Section 4.7 - Hydrology and Water Quality), the existing and anticipated stormwater runoff flow rates are discussed.

Detention facilities could require large land areas. However, since the majority of the basins would be empty through much of the year, the land could be used for other purposes, including open space.

The general parameters for the stormwater systems were evaluated. Paragraph 4 on page 4.4-28 of the DEIR discusses the modeling that has been completed as part of this DEIR to determine the runoff volumes that are anticipated after development. The major stormwater collection lines and detention basins were sized based on these calculations.

D165 Paragraph 4 on page 4.4-30 of the DEIR discusses the final stormwater regulations and their applicability. Because the project would have a final population of approximately 40,000 people, the existing regulations covering discharges of stormwater from municipal systems do not apply. Paragraph 1 on page 4.4-31 states that the project stormwater system should be designed in anticipation of future stormwater regulations. Mitigation Measures 4.4.3-1(a), (b), (c), and (d) are intended to make the project stormwater system consistent with the existing requirements which apply to communities larger than 100,000 people. In addition, Mitigation Measure 4.7-2 on page 4.7-9 of the DEIR requires incorporation of riparian vegetation and pervious pavements in the designs.

D166 See response to D164. In addition, Mitigation Measure 4.4.3-1(c) on page 4.4-31 and -32 of the DEIR requires that a Best Management Plan be prepared and implemented to control runoff.

D167 The discrepancy between project demand and supply is identified on page 4.4-13 in Impacts and Mitigation Measure 4.4.1-4(a). The reliability of the water supply is addressed on page 4.4-8 in Impact and Mitigation Measure 4.4.1-2. Institutional considerations are addressed on page 4.4-6 in Impact and Mitigation Measure 4.4.1-1. Resolution of these supply issues is required before Specific Plan approval or project construction, as defined in the mitigation measures. It should be noted that the water used for the project is currently being used for agricultural purposes and is not a new commitment of water.

D168 As noted by the commentor, the proposed project would generate an estimated 5.12 to 6.55 mgd of wastewater. This size range is at the median size of wastewater treatment plants. In comparison, the San Jose/Santa Clara Water Pollution Control Plant is the largest treatment plant in Northern California and has an average daily flow of approximately 110 mgd.

As noted by the commentor, a highly detailed, workable scheme for handling wastewater from source to ultimate discharge is essential in developing a reliable wastewater system. As required in Mitigation Measure 4.4.2-1(a) on page 4.4-21, the applicant should initiate the permitting process of the wastewater reclamation system prior to approval of the Specific Plan and must have a Wastewater Discharge Permit prior to project construction. The wastewater reclamation system consists of a collection system, treatment plant, and disposal system. All portions of the system are included in the provisions for the mitigation measure.

**Collection System:** A detailed design of the wastewater collection system would be developed for the Specific Plan based on the final land use arrangements. Design of the sewer system would be based on County Standards and standards of the industry to reliably collect the wastewater generated at the project site .

**Treatment System:** As noted on page 4.4-19 and in Mitigation Measure 4.4.2-1(a) on page 4.4-21, the water quality criteria for designing the treatment plant would be based on meeting the requirements for operating a reclamation system developed by the California Department of Health Services, Office of Drinking Water, and the Central Valley Water Quality Control Board. The protocol for developing the design plant criteria, the final plant design, discharge requirements, and monitoring requirements for an operating plant are presented on page 4.4-19 of the DEIR.

**Disposal System:** Implementation considerations for the reclamation system are presented on page 4.4-20 of the DEIR. Probable criteria for a discharge to Old River are presented on page 4.4-24 and 25 of the DEIR. Impact and Mitigation Measure 4.4.2-1 on pages 4.4-20 to 4.4-22 require that permits for a reliable collection and treatment system be obtained prior to approval of the Specific Plan. Impact and Mitigation Measure 4.4.2-2 on pages 4.4-23 to 4.4-26 also requires that a reliable treated wastewater system be obtained prior to approval of the Specific Plan.

The potential for discharging inadequately treated wastewater to surface water, including Old River, and the associated adverse impacts to local public health, including drinking water supplies taken from Old River, is identified in Impact 4.4.2-2 on page 4.4-22. Mitigation Measures 4.4.2.2 (a)-(h) on pages 4.4-25 to -26 identify ways to significantly reduce the impact. Mitigations identified include the following: on-site and off-site reclamation; careful design of the wastewater treatment plant to include a high degree of redundancy; aggressive public education campaign regarding effective methods of ecologically sound household waste disposal; a pretreatment program; hazardous waste collection program; and elimination of existing agricultural drains.

As stated in Mitigation Measure 4.4.2-2(c) on page 4.4-25, discharge to Old River would be a last resort after other technically and economically feasible alternatives were rejected, as demonstrated to the CVRWQCB. Refer also to Section 4.7 of the EIR and the Bureau of Reclamation comment letter on the Draft EIR, which expresses the agency's concern about protecting the water quality in the Delta Mendota Canal, since it is used to provide municipal and industrial as well as agricultural water for a number of jurisdictions, and response to A6. If a NPDES permit were issued for the proposed project by CVRWQCB to discharge into Old River, and if the Contra Costa Water District relocated its intake to near Clifton Court Forebay, the impact could be similar to those identified in Section 4.7 for the California Aqueduct intake.



Consideration of a conceptual wastewater system at the General Plan Amendment level of project consideration is appropriate. After approval of the General Plan Amendment, the applicant would develop detailed plans for review, approval, and permitting by appropriate local and state agencies. As described on page 4.4-19 and Mitigation Measure 4.4.2-1(a) on page 4.4-21 of the DEIR, the wastewater treatment plant design is a part of the wastewater reclamation system and is subject to review and permitting by the CVRWQCB and DTSC. The permitting process should be initiated prior to the Specific Plan to provide for early identification of constraints and the Wastewater Discharge Permit must be issued before project construction begins.

If the detailed design includes new components which are not assessed in this DEIR, such as using reclaimed water for wetlands enhancement, additional environmental analysis focused on the new component would be required.

The commentor's concerns regarding the need for storage of treated wastewater are addressed on page 4.4-21 and in Mitigation Measure 4.4.2-1(c) on page 4.4-22 of the DEIR. The design of a storage system for a wastewater reclamation system would depend on evapotranspiration, geologic, and crop use factors as well as regulatory requirements for safety which are summarized in Appendix 10.9. A range of storage capacities would be required. At the low end, 20 days of storage could be required which would correspond to approximately 320 acre-feet (AF) of storage at the maximum flowrate of 5.12 mgd. On the high end, 120 days of storage could be required which corresponds to approximately 1,920 AF of storage. The required storage to operate a year-round reclamation system could be even higher. For example, about 800 AF of storage will be required for each mgd of wastewater flow for the proposed Santa Rosa Subregional Wastewater System. This corresponds to a total storage requirement of approximately 4,000 AF for the maximum flowrate of 5.12 mgd. Since the size, location, and design of the storage facility was not assessed in this DEIR, the facilities would be assessed in subsequent environmental review.

Mitigation Measure 4.4.2-1(a) on page 4.4-21 of the DEIR requires that the permitting process for the wastewater reclamation system be initiated prior to the Specific Plan. A condition of the permit would be that the 1,500 acres be available for irrigation throughout the life of the project. Environmental documentation would be required if the landowner proposes to develop the property used for reclamation.

Treated wastewater is proposed to be reclaimed on-site and off-site. If 100 percent surface discharge were required, the proposed 1,500 off-site acres would be sufficient to reclaim the wastewater generated with water conservation (5.12 mgd or 5,735 AF/year). As stated on page 4.4-20 of the DEIR, the proposed project includes using 1,377 acres of the project site to reclaim 2,115 AF/year of treated wastewater (1.53 AF/acre). At the rate of 2.5 AF/acre used by the commentor, a total of 1,448 additional off-site acres would be required to dispose of the remaining 3,620 AF/year of treated wastewater. As stated in Mitigation Measure 4.4.2-2(a) on page 4.4-25 of the DEIR, the proponent should investigate more on-site reclamation opportunities such as a dual distribution system throughout the project to further increase the amount of reclaimed water used on-site and reduce the off-site reclamation requirements.

Institutional arrangements for operating the wastewater treatment system are as follows: The applicant proposes formation of a Community Services District. It is true that a public agency must have responsibility for the plant, not the Community Services District. The CVRWQCB and the California Department of Health Services, Office of Drinking Water, would issue permits directly to San Joaquin County and the County would provide oversight to the Community Services District.

As stated on page 4.4-26, an estimated 20,058 pounds of dry sludge would be produced at the wastewater treatment plant at the maximum design flowrate of 6.5 mgd (the maximum wastewater

generation rate without water conservation). The first choice for sludge disposal involves investigating beneficial uses for the sludge such as agricultural landspreading or composting as identified in Mitigation Measure 4.4.2-3(a) on page 4.4-27 of the DEIR. Sludge management must be addressed as part of the Specific Plan. If landfilling is the disposal option identified in the investigation, an executed contract should be provided in the Specific Plan as required in Mitigation Measure 4.4.2-3(b) on page 4.4-27 of the DEIR. Supplemental environmental review may be required regarding sludge management at the time of the Specific Plan.

The commentor is concerned that the sludge could contain hazardous substances which could be released and could deteriorate local water quality or wildlife habitat. As stated on page 4.4-26 of the DEIR, agricultural landspreading of wastewater sludge is regulated by both State and Federal regulations. A thorough characterization of the sludge is a part of the permitting process. As stated in Mitigation Measure 4.4.2-3(d) on page 4.4-27 of the DEIR, a pretreatment program that would reduce the introduction of heavy metals and organic compounds into the public sewer, and ultimately into the wastewater sludge, should be considered in developing the Specific Plan.

D169 Mitigation Measure 4.13-1(e) on page 4.13-28 states that additional kit fox surveys should be conducted to confirm this species' presence on the project site. A study will be undertaken in spring 1992. This study will present recommendations for on- or off-site mitigation measures if evidence confirms the kit fox's presence. Also refer to responses A2 and C149. If on-site mitigation is recommended, the Specific Plan must reflect this on the land use map. It is possible, but not probable, that this may require an additional General Plan amendment.

D170 Refer to response to D157.

D171 Responsible agencies are identified in Table 3.7 on pages 3-22 through 3-24. When laws are applicable to mitigation measures, these are identified. Some of the acts and regulations addressed in this comment are discussed below. Policies of the San Joaquin Valley Unified Air Pollution Control District are addressed in new text that has been added to pages 4.15-6 of the DEIR. Section 11 of the Rivers and Harbors Act of 1899 authorizes the Secretary of the Army to establish harbor lines channelward, of which no piers, wharves, or other works may be extended. As of 1970, permits for work shoreward of those lines must be obtained in accordance with Section 10 and, if applicable, Section 404 of the Clean Water Act.

Byron-Bethany Irrigation District (BBID) does not have a contractual relationship with the Bureau of Reclamation nor do they use their facilities. As a pre-1914 water rights holder, BBID directly withdraws water without a separate contractual relationship with the State of California or with the Bureau of Reclamation. BBID received and dispensed with a small projects PL984 loan of approximately \$2.5 million from the Bureau of Reclamation. This loan was used to make improvements to the BBID system and was paid when it was gathered with other PL984 loans and converted to private financing under the Adjoint Powers Authority.

The Migratory Bird Treaty Acts with Canada (1918) and Mexico (1936) essentially state that these neighboring countries will cooperate with the U.S. in regulating the sport hunting take of migratory waterfowl. These acts also cover all migratory birds and prohibit the taking of eggs and nests. No Swainson's hawk nests were found on the site as mentioned in page 4.13-21 of the DEIR.

The Migratory Bird Conservation Act of 1929 directs the federal government to acquire refuge land for waterfowl, but taken in its broadest sense, this could apply to all migratory bird species. The DEIR recommends preservation and enhancement of the existing on-site wetlands and requires a specific design of the proposed 40-acre wetland.



The Estuary Protection Act was established to protect estuarine habitat and wildlife. In the broadest sense, Old River is a distant extension of the San Francisco Bay estuary because of its tidal action. The DEIR calls for the protection of Old River and its levee system.

The Sacramento-San Joaquin Delta Wildlife Habitat Protection & Restoration Plan provides guidance for the protection and restoration of Delta habitat. While this Plan is not directly implementable by either the state or federal wildlife agencies, nonetheless it sets goals and objectives for the continued existence of habitat resources in the Delta. As identified in the Plan, uncontrolled recreational uses and conversion of lands to urban development place the Delta in greatest jeopardy. The DEIR specifically calls for the protection of Old River and its levee system by eliminating the proposed marina. This measure would be in keeping with the intent of this plan.

- D172 The Reduced-Scale Project Alternative includes a number of mitigation measures which are recommended in this comment and would come closest to being the "Mitigated Alternative." Instead of the 1,000-foot buffer, the Reduced-Scale Project Alternative includes very-low density residential development on the western edge of the site surrounding a golf course to partially mitigate those impacts identified for the proposed project. The Redesigned Project Alternative includes the 1,000-foot buffer.

As stated on page 5-83 of the DEIR, this alternative includes more than enough acreage for parkland. As stated on page 5-85 of the DEIR, this alternative would have an adequate water supply to serve the project.

Potential geotechnical hazards, hazardous wastes, and storm drainage features would not be expected to change the overall land use concept for this alternative. The Reduced-Scale Project Alternative does include a significant portion of the site as open space for wildlife habitat protection. This same open space could be used for wastewater reclamation as discussed on page 5-85 of Section 5.6 that addresses the Reduced-Scale Project Alternative.

The Reduced-Scale Project Alternative could have restricted height limits for industrial buildings. As stated in the second paragraph on page 5-87, visual impacts related to building heights could be the same as the proposed project which identifies mitigation measures for reduced heights of industrial buildings. The same issue applies to residential buildings.

The phasing of residential development in coordination with industrial/commercial development would apply as a mitigation measure for any of the alternatives. As discussed on pages 5-87 and 5-93, the Reduced-Scale Alternative has an appropriate ratio of employed residents to jobs.

As discussed on page 5-93, second paragraph, approximately 70 percent of those employed in the community could also afford to live there under the Reduced-Scale Alternative, as compared to 60 percent for the proposed project. This alternative could include a greater proportion of high-density housing in order to be more affordable for workers within the community.

The Reduced-Scale Project Alternative includes a regional park along Mountain House Creek that includes more than the recommended width on either side of the creek (see Figure 5.6-1). As shown in Figure 5.6-1, the marina has been eliminated. As discussed in the third paragraph on page 5-81, the regional park included near Old River for the Reduced-Scale Project Alternative could include boat access.

If the project were scaled down to the point of not contributing at all to the deterioration of the Level of Service on local roads or freeways, it would no longer be a mixed-use community of any reasonable size. The No Project Alternative is the most viable alternative for meeting this objective.

As shown in Figure 5.6-1, residential development would be significantly set back from I-205 under the Reduced-Scale Project Alternative. Page 5-94, last paragraph, discusses how this setback would result in no significant noise impacts.

- D173 Refer to the response to D146. Some of the identified projects have been withdrawn or are addressed in the 1991 General Plan DEIR (San Joaquin County 1991d), which is referenced in the revisions shown for Section 6.1 of the DEIR. Appropriate changes have been made to Section 6.1 of the DEIR.
- D174 Section 4.14 of the DEIR discusses vehicle travel internal and external to the project. Under the proposed project scenario, approximately 70 percent of the total vehicle trips would be internal to the project. This is similar to the percentage for the City of Tracy. The proposed project is intended to achieve a jobs/housing/retail balance. Although people residing in the project would commute to the Bay Area, the project would also become the work destination for people further east in San Joaquin County who currently commute to the Bay Area.
- It is true that any new development would consume additional energy. Mitigation Measures 4.4.4-2(a) through (h) on pages 4.4-39 and 4.4-40 of the DEIR are intended to make the non-vehicular portion of energy use within the project efficient.
- D175 The discussion of impacts of industrial development has been expanded on page 4.15-9 of the DEIR to include a generic estimate of emissions from this source.
- D176 The DEIR survey did not begin until late in the migratory season for this species, thus the use of the project site by the Aleutian goose could have been missed. However, it is the opinion of the DEIR biologist that it is unlikely this species inhabits the project site on its winter migration for the following reasons: 1) the project site is located at the edge of the Aleutian goose foraging range, they prefer sites further inland; 2) there are no nests; and 3) there is nothing unique about the site which could attract this migrant species.
- D177 Chapter 7 includes a Mitigation Monitoring Program for all recommended mitigation measures, including identification of those responsible for reporting and enforcing the mitigation measures. Financing arrangements are not required as part of the EIR, and can be made between the applicant and the County.
- To address impacts on agricultural lands, it was not necessary to identify the market values of target agricultural lands as requested by the State Lands Commission. Refer to the response to D171 regarding laws and policies.
- D178 The issues of the balance of jobs to housing in addressed in Section 4.11 of the DEIR.
- D179 The potential impact of explosion or chemical release along the Southern Pacific Railroad line has been added to the DEIR in Impact 4.12-11 on page 4.12-14. This impact is an unavoidable adverse impact and has been added to page 6-22, Section 6.4.
- D180 The DEIR evaluated hydrologic and hydraulic reports prepared for the project by the applicant (Century West Engineering, 1991) and presented a hydrologic modelling study which evaluated potential hydrologic and water quality impacts (Appendix 10.12). Due to the size and relative geographic isolation of the project, it was not considered appropriate to consider options for participation in a sub-regional tertiary wastewater treatment plant.

- D181 The potential impact of mosquito breeding on public health and safety has been added to the DEIR in response to this comment on page 4.12-14.
- D182 Refer to response C136.
- D183 The potential impact of stormwater discharge on the water quality of Old River and associated mitigation measures are addressed on pages 4.4-30 through 4.4-32 and pages 4.7-12 through 4.7-13 of the DEIR. Hydrologic modelling prepared for the DEIR (Appendix 10.12, Table 2) indicates that the average component of stormwater received at the intakes for the State Water Project (at Clifton Court Forebay) which originated from the Mountain House project would be approximately 0.2 percent. Specific evaluation of the potential relocation of Contra Costa County Water District water intakes was not part of the scope for the DEIR.
- D184 It is beyond the scope of this DEIR to evaluate traffic impacts associated with relocating Vasco Road should the Los Vaqueros Reservoir project be built. In addition, Vasco Road would not be significantly impacted by the project.
- D185 The potential impact of spills or overflows of untreated or partially treated wastewater on surface and ground waters is discussed on pages 4.4-20 through 4.4-21 of the DEIR.
- D186 Refer to response to D165.
- D187 These comments are acknowledged. The EIR identified the loss of agriculture as a significant adverse impact which cannot be totally mitigated. The DEIR also identified the cumulative loss of the resource in Section 6.1.
- D188 Refer to response to C208. As noted in Impact and Mitigations 4.4.1-1 on pages 4.4-6 and 7, portions of the project site are outside the boundaries of the Byron-Bethany Irrigation District (BBID), the proposed project water supplier. As required in Mitigation Measure 4.4.1-1(a) on page 4.4-7, the annexation negotiations with LAFCO must be complete prior to approval of the Specific Plan. As noted in Impact and Mitigation 4.4.1-2 on pages 4.4-7 and 8, the current BBID water rights include diverting water during nine months of the year. As required in Mitigation Measure 4.4.1-2 on page 4.4-8, the proponent should demonstrate a reliable year-round water supply prior to approval of the Specific Plan. As noted in Impact and Mitigation Measure 4.4.1-3 on pages 4.4-8 through 10, BBID must change a part of its service area from agricultural use to M&I use. As required in Mitigation Measure 4.4.1-3 on page 4.4-10, an agreement that protects BBID and its customers from economic loss and water interruption must be executed prior to approval of the Specific Plan. As noted in Impact and Mitigation Measure 4.4.1-5 on pages 4.4-13 and 14, adequate water treatment is required to operate a public drinking water supply. As required in Mitigation Measure 4.4.1-5 on page 4.4-14, the applicant should initiate the permitting process prior to approval of the Specific Plan.
- D189 Comment noted; the DEIR assumes a minimum level of TDM, not a maximum level.
- D190 The requirements of the California Clean Air Act with respect to the San Joaquin Valley air basin are described on page 4.15-6 of the DEIR.

See response to D175 regarding the impacts of industrial development within the project. See response to C155 regarding revisions to the estimates of mitigation effectiveness. The effectiveness estimate of proposed mitigation measures has been reduced to the range of 10 to 20 percent. Conclusions regarding the significance of project impacts before and after mitigation are unchanged.



The remainder of this comment deals with the desirability of the project and not the adequacy of the DEIR.

- D191 Comment noted. All of these issues are addressed in Table 4.2-1 of the DEIR.
- D192 See response to C197. The comment asks that the EIR "make a specific recommendation for the proportion and number of housing units in each phase that should be affordable to each income group..." Specific construction targets in the General Plan Amendment DEIR would not be appropriate because the data applied in the jobs/housing analysis were general in nature, given the range of development options available under each General Plan land use designation. Housing costs or the salary characteristics of on-site workers cannot be precisely forecast at this stage of the planning process.
- D193 See response to C199. The DEIR did conclude that capital cost burdens could be relatively high. Mitigation measures have been presented in the DEIR.

**George Poet**

- D194 This comment addresses the project rather than the DEIR.

**Trimark Communities**

- D195 These corrections have been made to page 3-9, Table 3.2.
- D196 A new sentence has been added to page 3-20, second paragraph.
- D197 Figure 3.9 has been corrected accordingly.
- D198 Table 3.7, page 3-23, has new text for the Regional Water Quality Control Board and the Byron-Bethany Irrigation District.
- D199 New text has been added to the bottom of Table 3.7 on page 3-24 of the DEIR.
- D200 Comments noted. The analysis focused on adjoining lands where aerial spraying is conducted. We understand that ground application can be used as well. However, impacts associated with aerial application can be more severe due to aircraft noise and chemical drift, as well as chemical drips when planes ascend over adjoining lands. The DEIR has been revised on page 4.1-6 to reflect this comment.
- D201 The Williamson Act contract cancellations and General Plan amendment are concurrent actions considered by the Board of Supervisors at the same time. Action on the GPA does occur first. This change has been made on page 4.1-11 of the DEIR.
- D202 The suggested language of the commentor is subjective, thus the text on page 4.1-14 remains as stated.
- D203 A new town would be inconsistent with existing agricultural policies and agricultural land use designations without a General Plan amendment. The text on page 4.1-14 of the DEIR has been revised to clarify this point.
- D204 While agricultural activities on lands adjacent to the project site may not be considered to create significant impacts at the present time, this does not preclude the potential for land use conflicts to occur in the future. Most of the land located in Alameda County adjacent to the western boundary



of the project site is in intensive agricultural use. At this time it would be speculative to assume existing agricultural practices would continue. Many factors can come into play, such as a change in ownership, elimination and/or introduction of certain crops, depending upon the economy, and the crops' economic value, and changes in agricultural practices such as chemical applications. Land use conflicts between urban and rural land uses have become a common problem in the Central Valley as residential development encroaches into agricultural lands. Studies, as cited in the DEIR, have shown that conflicts eventually cause landowners to sell their land for nonagricultural use. As more restrictions are placed on the rancher/grower, maintaining the land in agriculture is no longer economical. Requiring a developer to provide a buffer is not an unreasonable mitigation when the proposed development could create the land use conflict.

D205 This discussion identified a potential problem should the fields be planted in an east/west direction. Again, the discussion is directed towards future problems which may occur, not on existing agricultural practices which are subject to change. If the rows continue to be planted in a north/south direction, residents of homes located immediately adjacent to agricultural lands would still be subject to noise, chemical drift and dust. Aircraft would not fly over homes, but could be applying chemicals in close proximity to the residents bordering the western boundary.

D206 As Mitigation Measure 4.1-2(a) suggests, the buffer could be used as an agricultural park for residents of the development. Furthermore, if left as a greenbelt, it could also provide wildlife habitat.

D207 The argument presented in this comment that acquiring the buffer would result in additional costs is not clear. Mitigation measure 4.1-2(a) is calling for an on-site buffer which is within the development. The applicant would not be required to purchase additional land. Indeed, the buffer area would need to be maintained, but the level of maintenance would depend upon the types of uses which could be located in the buffer area. The DEIR has suggested a variety of land uses, including a roadway.

The applicant's suggestion to plant a windrow of poplars and provide see-through fencing are options to be considered. However, this type of screening does not mitigate against agricultural noise, chemical drift, or dust.

D208 This mitigation should be in response to impact 4.1-1, page 4.1-14 of the DEIR, loss of approximately 3,600 acres of Prime Farmland. While this mitigation measure would not totally mitigate loss of the on-site resource, nonetheless assessment of fees would help towards the preservation of agricultural land in the County. The text on page 4.1-16 of the DEIR has been changed.

D209 Comments noted. A fee schedule, if imposed, would need to be established prior to imposing this mitigation as a condition of project approval. Lands retained for wildlife mitigation should be considered in lieu of fees, providing the land can be used for viable agricultural production.

D210 The DEIR identifies many policies with which the project conflicts. It is not the purpose of the DEIR to speculate as to how policies may be changed in the future. Once such changes occur, evaluation of the environmental ramifications of these changes can proceed.

D211 The identified conflict would not need to be changed because the proposed project would occur on prime farmland and would not be located on hillsides within the County. In other words, the project would occur within the "valley floor" portion of the County.

D212 The recommended language change would not be appropriate, especially given the fact that a pre-application has already been filed for a parcel just outside the southeast corner of the project site.

"Strong entry statements" would not be an adequate means of separating the project from nearby urban development. The recommended changes for conflicts with Policy No. 15 and No. 10 would also not be appropriate to adequately mitigate the identified impact.

- D213 Use of the words "open space" would imply that some landscaping amenities would be provided.
- D214 This conclusion is appropriate given the analysis shown in Table 4.9-8 on page 4.9-17 of the DEIR. A minor text change has been made to page 4.2-9 under "Project's Relationship to Policy" for item (j).
- D215 The proposed use is for a mixture of urban uses. This policy appears to refer to land uses, without a separate distinction for new towns.
- D216 The DEIR preparers disagree with the commentor. Our judgment is that growth inducement could occur along the borders of the project site, if the project were implemented. Since the DEIR analysis has to assume reasonably probably adverse conditions, growth inducement has been identified as a potential significant impact.
- D217 The DEIR indicates that approval of the alternative site would mitigate conflict with the policy discouraging leapfrog development. The commentor is correct in predicting that such development near the City of Tracy would constitute a continuation of the City of Tracy rather than creation of a new town.
- D218 It is agreed that six-lane roads could divide a community. However, given the estimated level of traffic and the proposed roadway network, this mitigation measure may be the most feasible, other than significant reductions in overall project density.
- D219 It appears that the commentor agrees with the proposed mitigation measure that prior to Specific Plan approval, the 100-year flood zone should be removed from that designation. If the applicant were to submit several Specific Plans, then the removal of the 100-year flood zone designation would of course be applicable to the Specific Plan prepared for that area.
- D220 The recommended language changes would not be necessary.
- D221 Removal of prime farmland is a significant unavoidable adverse environmental impact. It is not the purpose of the DEIR to suggest changing County policies or to suggest to the County the findings that they may make to approve a project.
- D222 The DEIR does not suggest large undeveloped buffers, but rather agricultural and landscaped buffers. These buffers would act to minimize growth inducement and to separate the project site from the surrounding areas.
- D223 As stated in Impact 4.2-2, the redirection of growth "could" occur. No change in the level of significance would be necessary.
- D224 Redesignation of unincorporated lands to agricultural use would reduce the potential for new developments to result in redirection of growth away from existing communities.
- D225 Mitigation measure 4.1.1-1 on page 4.3-4 of the DEIR provides the applicant with an option to developing regional parkland along Old River.

- D226 Mitigation measure 4.3.1-2 responds to the need for boating facilities in the area of the project site as identified by the County Parks and Recreation Department and discussions with local marina operators. With the projected population in Phase I, coupled with a lack of available marina facilities, such a mitigation is not unreasonable.
- D227 Park standards provided in the DEIR have been adopted by the County. Mitigation measure 4.3.1-3, page 4.3-6, has been revised to reflect additional language regarding the inclusion of the Specific Plan for providing a mechanism to assess fees for off-site regional parkland.
- D228 Mitigation measure 4.3.2-1, page 4.3-10 of the DEIR, has been revised.
- D229 Phase I of the project would generate 878 students which would create a significant impact on the Tracy High School District. It is the District's desire that the construction schedule shown in Table 4.3-3 on page 4.3-11 of the DEIR must be followed to reduce the overcrowded conditions which would occur at the new high school. The schedule, as shown, is based on the applicant's phasing schedule. The schedule should be agreed upon prior to approval of the Specific Plan.
- D230 The purpose of this mitigation measure is to develop performance standards which all businesses, irrespective of wastestreams, must adhere to. No changes in the mitigation measure are warranted.
- D231 Mitigation Measure 4.4.3-3(h) on page 4.4-26 of the DEIR has been reworded to provide for the elimination of agricultural drains in conjunction with project build-out.
- D232 The Best Management Plan should be prepared as part of the Specific Plan because the plan may affect how the stormwater collection system would be designed and would affect the level of service required of the Community Service District to monitor and maintain the storm drain system. Mitigation Measure 4.4.3-1(c) on page 4.4-31 of the DEIR does not require revision.
- D233 Stream alteration should be defined early in the planning process because land use plans may be affected by the stream alteration. Mitigation Measure 4.4.3-2(b) on page 4.4-32 of the DEIR has been reworded to delete the requirement for a detail plan.
- D234 The wording for Mitigation Measure 4.4.3-3(b) on page 4.4-33 of the DEIR has been changed to require that the design features and performance standards for the pond inlets be included in the Specific Plan.
- D235 The wording for Mitigation Measure 4.4.3-3(c) on page 4.4-34 of the DEIR has been changed to require that the design features and performance standards for the pond inflow channels be included in the Specific Plan.
- D236 Existing Mitigation Measure 4.4.3-3(d) on page 4.4-34 of the DEIR has been reworded slightly to specify the type of information required to be included in the Specific Plan; a detailed description of the maintenance activities should be incorporated in an Operations and Maintenance Manual for the stormwater collection system.
- D237 The wording for Mitigation Measure 4.4.3-4(a) on page 4.4-34 of the DEIR has been changed to require that the design features and performance standards for containing floating debris near the pond inlets be included in the Specific Plan.
- D238 Mitigation Measure 4.4.3-4(b) on page 4.4-34 of the DEIR requires that landscaping plans and maintenance activities be described in the Specific Plan. This measure does not require detailed landscaping drawings or maintenance plans. Landscaping and maintenance objectives should be



provided as early in the review process as possible. Mitigation Measure 4.4.3-4(b) does not require revision.

- D239 Equipment for maintaining the ponds should be planned for early in the planning process to establish a commitment for maintaining the ponds and to budget for the capital expenditures. Maintenance activities were addressed in the response to D236. Mitigation Measure 4.4.3-4(c) does not require revision.
- D240 The wording for Mitigation Measure 4.4.3-4(d) on page 4.4-35 of the DEIR has been changed to require the Specific Plan to include objectives for pond inspections, description of activities, and approximate frequencies for inspections. A detailed description of the pond inspections should be incorporated in an Operations and Maintenance Manual for the stormwater collection system.
- D241 Based on a conversation with PG&E Land Planning and Acquisition Department, PG&E has no plan for relinquishing the Tesla-Rancho Seco right-of-way (de Silva, 1992). Paragraph 4 on page 4.4-35 and the top paragraph on page 4.4-37 of the DEIR do not require revision.
- D242 Based on a conversation with PG&E Land Planning and Acquisition Department, PG&E has no plan for relinquishing the Tesla-Rancho Seco right-of-way. A sentence is added in the top paragraph of page 4.4-37 of the DEIR. Paragraph 1 on page 4.4-38 of the DEIR states that some land uses may be allowed within electrical transmission line easements. Impact 4.4.4-1 does not require revision.
- D243 Based on a conversation with PG&E Land Planning and Acquisition Department, PG&E has no plan for relinquishing the Tesla-Rancho Seco right-of-way. A sentence is added in the top paragraph of page 4.4-37 of the DEIR. Mitigation Measure 4.4.4-1(c) on page 4.4-38 of the DEIR has been revised to allow for an open corridor or appropriate land use plan within the electrical transmission line easements.
- D244 Mitigation Measure 4.4.4-2(b) on page 4.4-40 has been changed to allow for a statement of objectives for encouraging solar energy and commitment of conformance to the solar energy acts. Details would be addressed during the Tentative Map phase.
- D245 The feasibility of incorporating solar water heating systems into the new town should be considered early in the planning process. Mitigation Measure 4.4.4-2(c) on page 4.4-40 does not require revision.
- D246 General architectural considerations, considering building houses with high energy efficiency, should be addressed in the Specific Plan. It would also be appropriate for the Specific Plan to contain discussions on various possible design features that could be incorporated into the new town, including houses with common walls, that would achieve high energy efficiency. Mitigation Measure 4.4.4-2(d) on page 4.4-40 of the DEIR does not require revision.
- D247 Landscaping standards to provide shade and windbreak should be contained in the Specific Plan. Existing Mitigation Measure 4.4.4-2(e) on page 4.4-40 of the DEIR does not require detailed landscaping plans, which would be more appropriate at the design phase. Mitigation Measure 4.4.4-2(e) does not require revision.
- D248 Landscaping standards to provide shade and windbreak should be contained in the Specific Plan. Existing Mitigation Measure 4.4.4-2(f) on page 4.4-40 of the DEIR does not require detailed landscaping plans, which would be more appropriate at the design phase. Mitigation Measure 4.4.4-2(f) does not require revision.
- D249 The text of the DEIR has been changed in response to this comment on page 4.6-11.



- D250 The purpose of performing a detailed geotechnical investigation of the site is to establish specific construction and planning constraints which could be incorporated into the Specific Plan. Identification of geotechnical constraints would allow appropriate planning of the location of open space as well as buildings and pavements. Additional geotechnical investigation would be necessary for specific building sites or specific structures.
- D251 Mitigation Measure 4.6-6, page 4.6-11 and 4.6-12, identifies two general options for appropriate mitigation of potential impacts in areas underlain by low density clay: use of such areas as open space to avoid potential geotechnical problems or specific foundation design criteria. The evaluation of the extent of areas of the project site underlain by low density clays should be made by the detailed geotechnical investigation recommended by Mitigation Measure 4.6-2.
- D252 The commentor appears to concur with the recommended preparation of a geotechnical report to investigate the potential hazards associated with liquefaction. It is our opinion that the geotechnical report should present sufficient data, or detail, to support conclusions on the location and potential impacts of areas susceptible to liquefaction.
- D253 The mitigation measures for flood protection are addressed in Mitigation Measures 4.7-1(A) and 4.7-1(b), page 4.7-8, paragraphs 3 through 5. The commentor concurs with the need for a geotechnical evaluation of the levee to evaluate the stability of the structure. The stability of levee and the costs of any necessary improvements could affect land use planning for the area of the site currently within the 100-year flood zone. Mitigation of the flood hazard in this area by floodproofing of individual structures in areas for proposed low to medium high density is not recommended. The cumulative impact of flood proofing of each structure on the hydraulics within the flood zone would be difficult to evaluate. Evaluation and possible rehabilitation of the levee would still be needed to ensure that structural failure of the levee does not create a hazard to people or properties located behind the levee. In response to this comment, the DEIR has been changed on page 4.7-8, paragraph three.
- D254 Comment noted. It would be feasible to not include Freeway Commercial uses given the proximity of similar uses within the City of Tracy. The DEIR does not make recommendations based on the ownership of the site, given that this project includes multiple landowners.
- D255 This level of detail in the mitigation could occur at the time of the Specific Plan. New language has been added to Mitigation Measure 4.8-4(b) on page 4.8-20 of the DEIR to partially respond to this comment. The determination of "unsightly appearance" would be highly subjective.
- D256 Augmentation funds should be collected through special taxes or assessments, rather than from the County General Fund. See response to C217.
- D257 Section 4.9 of the DEIR discusses the fiscal implications of the proposed project. The analysis uses a conservative approach to ensure that the potential adverse effects of development are not underestimated. That the project might create revenue surpluses exceeding those shown in the fiscal analysis is entirely possible, although not necessarily probable.
- D258 The fiscal analysis actually assumes that turnover of high density and nonresidential properties will not result in a noticeable change to the net General Fund revenues produced by the proposed project. This assumption is applied in the fiscal model by using a zero turnover rate for these two types of land uses. The rationale for this conservative assumption is presented in footnote 4 of Section 4.9 of the DEIR, page 4.19-6.
- D259 Although industrial and office projects have the potential for generating sales and use taxes, there is no certainty that this would happen at Mountain House. As the DEIR notes, many businesses

generate no such tax revenue; to assume otherwise would be inconsistent with the conservative orientation of the DEIR fiscal impact analysis. Moreover, even if tax-generating industrial and office uses were attracted to the project site, it is extremely unlikely that, as claimed in the above comment, "manufacturing and industrial land uses [would] generate an average of \$54.04 per square foot in taxable sales, and office uses [would] produce an average of \$21.26 per square foot in taxable sales." Our surveys of business parks in the Silicon Valley region indicate that industrial and office uses generate average taxable sales of only \$15.00 per square foot and \$6.50 per square foot, respectively.

D260 Refer to the response to D258. No change in text would be necessary.

D261 Although the description of the proposed project (page 3-13 of the DEIR) indicates that a hotel could be developed as part of the "town center," there is no certainty that a hotel would actually be developed given the location of the project site. To analyze the fiscal impacts of a hypothetical lodging facility would be inappropriate given the conservative orientation of the fiscal analysis. If, however, a hotel were developed at some point in time, it would likely contribute General Fund revenues that exceed its service costs.

D262 The magnitude of negative (or positive) fiscal impacts that result from project development will largely be contingent upon (a) the timing of development, (b) the mix of land uses developed, and (c) the amount of development. There is no certainty that the proposed project would develop as rapidly, or with the same phasing of land uses, as anticipated by the applicant. Slower development of nonresidential land uses, for example, could result in the project requiring services expenditures that exceed project-generated revenues. Section 5.5 and 5.6 of the DEIR explores the fiscal implications of alternative development programs and rates of construction (the latter as typified by the Reduced Size Alternative).

The overall conclusion of the DEIR fiscal impact analysis is that the proposed project has the potential for incurring a revenue deficit, and that the County, if it amends the General Plan to allow the proposed project, should enforce mitigation measures to prevent such a deficit.

D263 Comment noted. Although new homebuyers are likely to require fewer social services than the average current County resident, the demographics of the community would certainly evolve over time, leading to increased service demand on a per capita basis. Use of a countywide per capita cost estimate for these costs is therefore not unreasonable.

D264 Comment noted. This comment has been added to paragraph two, page 4.9-16, of the DEIR.

D265 The text of the fiscal impact analysis does not suggest that the project-related revenue surpluses are anything other than surpluses. The text notes only that shifting these surpluses to the General Fund might not be appropriate if the monies could instead be used to cover deferred maintenance and service costs.

D266 Comment is correct; the table referenced in footnote 2 should be for Table 4.14-16. A correction has been made on page 4.10-4 of the DEIR.

D267 Neither the County nor the applicant have precisely defined the type(s) of assessment(s) to be used for financing the debt that would be incurred for constructing project-related capital facilities. Use of a Community Facilities District could indeed result in a shift of some debt from residential to nonresidential land uses. While the applicant should be lauded for wanting to "insure that special tax burdens remain at a reasonable level for all land uses", whether this will actually be accomplished is an issue that remains open and one which is best addressed at the Specific Plan stage of project approval, when capital costs and their allocations can be more precisely identified. The findings of



the financial burden analysis certainly suggest that capital costs should, if too burdensome to potential project residents, be allocated among land uses using a method other than benefit received.

D268 Comment noted. See response to D267.

D269 The comment is correct in that the ten-year estimate is based upon historical (1980-1990) construction rates. The projected County growth rate indicates that these units would be built out within seven years (see baseline projection presented in "Growth Forecast for San Joaquin County", prepared by Economic and Planning Systems, Inc., 1991).

At the time the DEIR was prepared, approximately 3,800 dwelling units had either been approved for development in Tracy or were in the City's development review process. At that time, too, vacant residentially-zoned land had a capacity for an additional 13,000 dwelling units. These latter units have not been given "preferential status" in the text of the DEIR.

D270 The project site may indeed be able to attract its "fair share" of industry; the issue is that this "fair share" may be lower than anticipated by the applicant.

D271 The number of industrial and commercial acres developed under market-constrained conditions reflects our analysis and judgment regarding the potential for the project site to attract these uses under competitive conditions.

The 40 percent estimate was an approximation derived from the 1991 San Joaquin County Growth Forecast, and was intended to be applied in an illustrative manner, when exploring the general fiscal implications of a reduction in nonresidential growth rates. Table 4.11-2 on page 4.11-8 of the DEIR, conversely, was intended to more precisely quantify the acreage requirements of the project under market conditions, but in doing so applied a set of employment densities that was based upon the County General Plan (to remain consistent with the project description) rather than upon employment densities used in the 1991 report (which were based upon employment surveys). A correction has been made to page 4.11-8 (Table 4.11-2) regarding total acres.

D272 The text of the DEIR recognizes that "the implications of [imbalances between jobs and housing] are complex in that they both reflect and affect economic conditions within a region. Mitigation measures that are intended to promote a balance between employment and residential opportunities should be approached with care, as their implementation may have unanticipated, and perhaps undesirable, effects elsewhere." Nevertheless, it is the intention of San Joaquin County (stated via a policy of their Draft General Plan 2010) that the new communities have a balance between jobs and housing. Until this intention is changed, the Mountain House DEIR must address the impact of the proposed development on jobs/housing.

D273 See response to D272.

D274 See response to C292.

D275 The purpose of Table 4.11-7 on page 4.11-13 of the DEIR is to examine the affordability of the project's housing for the County's current low income residents. The income levels presented in the table were not for the City of Stockton but, rather, for the entire County. To use income categories for a sub-county area would defeat the purpose of the comparisons presented in Table 4.11-7.

D276 The City of Tracy was concerned about the impact that the proposed project would have on its own growth, which is why the discussion is presented in the DEIR. The concern is potentially related to

environmental effects in the sense that much of Tracy's CSD funding is based on projects for future developments.

- D277 Pacific Gas and Electric Company does not intend, at this time, to abandon or relinquish back their right-of-way for the proposed Rancho Seco-Tesla 500 kV line (de Silva, 1992). Page 4.12-4 of the DEIR has been changed to reflect new information on the easement width.
- D278 See response to comment D177. Pacific Gas and Electric Company intends to continue referring to the proposed line as the Rancho Seco-Tesla 500 kV line (de Silva, 1992).
- D279 A preliminary investigation of all potentially contaminated areas should be completed prior to the preparation of the Specific Plan so that the impact of contaminated areas on development plans can be assessed. These investigations should include specific recommendations for the remediation of identified contaminated areas. Regulatory approval of remediation plans should be obtained prior to approval of the Specific Plan to ensure that remediation techniques and schedules are acceptable to all agencies with jurisdiction. The timing of remediation would be dependent on the potential for personal exposure to contaminated materials and on regulatory requirements.
- D280 No changes in the mitigation measures are required.
- D281 The investigation of the areas in proximity to the abandoned gas wells for the potential for soil contamination should be performed prior to the Specific Plan stage so that the potential impacts of soil contamination can be evaluated and incorporated into the Plans.
- D282 If water supply wells were not used for a period of one year, the well is defined as abandoned or permanently inactive by the State of California Water Well Standards, unless the owner of the well demonstrates the intention to use the well again. The well standards require destruction of abandoned wells to protect groundwater quality and eliminate potential physical hazards. Inactive wells at the site should be abandoned as soon as possible and prior to the Specific Plan so that existence of abandoned wells does not impact the development of the Specific Plan.
- D283 No change in the text would be necessary.
- D284 The word "critical" has been eliminated from the text on page 4.13-1, paragraph two.
- D285 The Alkali sink area shown on Figure 4.13-6 is more meaningful in relation to the wildlife distribution here. Figure 4.13-1 has been revised to include the valley grassland.
- D286 The lilaeopsis was observed in the intertidal zone in the area of the Edwards fox sighting on Figure 4.13-6.
- D287 The study of the San Joaquin County HCP for the kit fox has not been published and the status of this study was not available to the DEIR consultant.

The conclusion drawn in the DEIR and supported in discussions with state and federal wildlife agency staff was that if the kit fox were present, it may use the Old River levee system as a corridor and perhaps to occasionally enlarge ground squirrel burrows for dens. No evidence was found of the fox using any other areas and, thus, it is the opinion of the DEIR biologist that preservation of the Old River levee system with a large buffer area would be an adequate mitigation measure. Additional surveys in 1992 will confirm whether this species is present on the site.



- D288 This information was inadvertently left out of the text. Page 4.13-11 has been revised to include the results of the scat analysis.
- D289 Verifying public sightings can be accomplished by showing people pictures and/or asking for descriptions. If persons identify a picture of the kit fox or give a fairly accurate description, their observations should be given merit. Thus, the wording in the text on page 4.13-14 stating the "sightings" had a high probability of being those of a kit fox, is correct.
- D290 The 1989 kit fox data base sighting near Blackhawk was in an old pasture area some distance from the present development. This area may now be developed. The Mt. Diablo sighting may be in an "unsuitable" area; however, the commentor should be aware that among various confirmed sightings in recent years has been the garbage can area of Anderson's Pea Soup in Santa Nella, another "unsuitable" habitat.
- D291 The text on page 4.13-17 of the DEIR has been changed.
- D292 Refer to response B8. The commentor should refer to the DFG guidelines in Appendix 10.6 of the DEIR.
- D293 Figure 4.13-11, page 4.13-27, has been changed.
- D294 Arrangements are being made for additional surveys during the spring of 1992.
- D295 Validation of the value of the project site's foraging habitat for the Swainson's hawk is presented in the text. The off-site mitigation must meet certain biological criteria to truly replace what is lost. Furthermore, the Mountain House project site represents one of the southern most foraging habitats along the edge of the Innercoast Range. Giving up this and other such sites in favor of a compacted site in the center of the hawk's current range would shrink their foraging habitat. Final requirements for off-site mitigation will be determined by the California Department of Fish and Game.
- A well-preserved corridor along the Old River levee is sufficient, given the lack of data showing permanent residency of this species on the project site. Commentor should refer to letter from Department of Fish and Game regarding their requirements. The additional survey may recommend more extensive mitigation measures.
- D296 The buffer requirement is a standard DFG policy for buffer zones along permanent creek habitats. Although the 100-foot buffer requirement on each side of the upper bank is reasonable, it is recognized that the existing creek bed is very narrow and/or modified in most locations through the site. A modification to 100 feet measured from the centerline would still preserve the intent of this policy and make it much easier to accurately measure and enforce. This is further justified in light of the fact that the creek bed (with the Department of Fish and Game's approval) will be reconstructed in some areas, making measurement of the 100 feet from banks impossible.
- D297 Human presence within enhanced wildlife habitat decreases the newly created habitat's overall effectiveness. Paths should be maintained along the outer edge.
- D298 No change in text would be needed.
- D299 The trip generation rates used in the DEIR for the medium density (R/M) housing are typical and appropriate for detached housing. Adjustment factors have been developed by the Federal Highway

Administration to reflect differences in site characteristics such as those mentioned in the comment.<sup>6</sup> The recommended adjustment factor is 0.1 trip per unit per day, or about one percent of the rate used in the study. This adjustment would have no substantial effect on trip generation totals or analysis results. The adjustment of 3.5 suggested in the comment, a reduction of over one-third, is not supportable.

- D300 The existing language has been retained in the DEIR because the proposed revision does not appear to significantly change the statement and because it could be misconstrued to infer that projected traffic and VMT growth could be avoided with expansion of transportation facilities, which is not true (only the LOS deficiencies are reduced).

The references to projected traffic volume differences between the No Project and Project scenarios are generally correct. However, it is not correct to conclude that the project would only contribute five percent of the traffic growth over Altamont Pass while other development will contribute 95 percent based on volume differences between the No Project and Project Scenarios. As discussed in response to C101, a "select link" analysis of I-580 traffic under the 2010 Market-Constraint Scenario reveals that 20,000 daily vehicles, or 21 percent of the projected 1990-2010 increase, would be trips to or from the project.

- D301 Freeway levels of service are calculated for the peak direction of flow. The peak direction is the concern, not the off-peak direction where capacity is available. There is no methodology or justification for an "overall" freeway level of service, which would only serve to hide problems in the peak direction.

- D302 Due to the number of entries in Tables 4.14-13A and 4.14-13B, it would not be practical to combine additional information into them. Furthermore, the primary intent of the table is to show potential lane requirements to accommodate the project at each phase, not to compare to the No Project requirements. Direct comparisons between No Project and Project Scenarios can be misleading, particularly in the case of the Proposed Project Scenario wherein other new communities are deleted. The volume comparisons between the No Project and Project Scenarios, shown in Figures 4.14-6A and B and 4.14-8A and B, are useful in understanding which roadways are most impacted by the addition of the project, but neither the volume nor LOS comparisons should necessarily be interpreted as the project's "share" of the impact.

- D303 Text for Mitigation Measure 4.14-2(c) has been revised in accordance with the first portion of the comment. However, the addition of language regarding lack of funding from other projects not delaying approval of the Specific Plan is not recommended since it would not help to mitigate the impact of the project. In some cases, it is possible that, while the project's fair share is less than 100 percent, completion of the project by itself could require the improvement to be done. In such cases, the County should have the ability to delay the project until other funding is available, such as having the project sponsor fully fund the improvement with pay-back provisions upon approval of other projects.

- D304 The proposed additional statements regarding how to calculate the project's "fair share" and lack of funding from other parties are not recommended for inclusion in the DEIR. Regarding "fair share" funding, it is a technical issue not requiring resolution in the DEIR. The purpose of the DEIR is to identify project impacts and appropriate mitigation measures. Nevertheless, the DEIR authors disagree that fair share should be calculated based on the traffic increase between the No Project

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<sup>6</sup>U.S. Department of Transportation, Federal Highway Administration, *Development and Application of Trip Generation Rates*, Kellerco, January 1985.

and the Project; this procedure would not hold the project accountable for its full share of traffic growth and, if applied similarly to all future new developments in the County, would not recover the full cost of mitigation. A better means would be to consider the number of project-generated trips using the facility, as determined by a "select link" analysis from the County model; applied across all future developments, this would account for the full amount of traffic growth on a particular facility. A "select link" analysis for I-580 at Altamont Pass would suggest a 21 percent fair share for the Market-Constraint Scenario (20,000 project-generated trips out of a total increase of 86,000-91,000 daily vehicles on I-580). However, even this method is potentially flawed since small contributions of project-generated traffic on facilities farther from the site would not be accounted for unless select link analyses were done on the entire set of roadway improvement projects throughout the County. Therefore, full mitigation costs for these remote facilities would not be generated. A frequently used and simpler method of assessing fair share cost is to develop a unit cost per trip generated by dividing the total area-wide improvement cost by the total number of new trips generated. The procedure for calculating fair share needs to be determined by the County, consistent with procedures for all other new communities, and other future development in the County.

Regarding language to preclude lack of funding from other projects from delaying approval of the Specific Plan, this is not recommended, as discussed under the response to D303.

D305 The consideration of adding a Hansen Road/I-205 interchange has been deleted from Mitigation Measure 4.14-3(b) as requested, since we concur that this interchange would primarily serve other development.

D306 The Proposed Project Scenario is not projected to require widening of Altamont Pass Road to four lanes, assuming a typical peak hour capacity for rural roads of 900 vehicles per hour per lane. However, to accommodate projected traffic volumes, spot widening, passing lanes, and upgrading are recommended. The Market-Constraint Scenario, on the other hand, is projected to operate at Level of Service E in 2010 unless widened to four lanes. This projection assumes ten percent of the daily traffic in the peak hour and a 60/40 directional split of traffic ( $13,700 \text{ daily vehicles} \times 0.10 \times 0.6 = 822$ ;  $822/900 = 0.91 \text{ V/C}$ , or LOS "E"). A 65/35 directional split, which may be more appropriate for Altamont Pass Road, yields a V/C ratio of 0.99 which is LOS "E", closely approaching LOS "F".

As stated in the response to D304, the use of net traffic increase between the No Project and the Project is not recommended as a means to determine fair share.

The DEIR recommendations for Grant Line Road between I-580 and Mountain House Road are discussed in response to C322. A total of four lanes are recommended on this section, including a southbound HOV lane.

D307 Table 4.14-16 does not identify "off-site" improvements, but rather improvements to existing facilities that would be required for cumulative development and due solely or in large part to the project. The table identifies only the estimated cost of these improvements, not the funding responsibilities. The title of the Table 4.14-16 has been revised for clarity.

See response to D306 regarding Altamont Pass Road mitigation and potential project share of traffic impacts.



D308 The projected distribution of work trips to the Bay Area for either scenario is based on a conventional "gravity model" which was calibrated on 1990 conditions.<sup>7</sup> The gravity model distribution is based only on the assumed future mix of residential and non-residential land uses (or population and employment) and the travel times between the project site and other county zones; it does not assume any special characteristics of a new community. While a gravity model has inherent limitations in addressing housing affordability issues, it is the best tool available for making long-range, region-wide trip distribution projections of this kind.

Further review was undertaken to verify the reasonableness of the model estimates for internal travel. One study of new communities analyzes thirteen new communities (including Reston, Virginia, the new community cited in the comment) and thirteen conventional communities.<sup>8</sup> This study evaluated rates of internal travel and trip lengths for work trips by "heads of households". The study did not observe any significant difference between the "new communities" and conventional communities. Percentages of internal work trips varied widely, from as low as 5 percent (a community with less than 1,000 jobs) to as high as 94 percent (a self-contained community remote from other communities); the average for all communities was about 15 percent. Since the survey did not include secondary workers who are likely to work closer to home on average, the percentages may be lower than would be surveyed for all work trips. Nevertheless, this average is substantially lower than the projected 24 percent and 45 percent internal work trips for Mountain House under the Market-Constraint and Proposed Project Scenarios, respectively. This may not be a valid comparison, however, since most of the communities had considerable off-site employment within close proximity which would tend to compete with on-site jobs and reduce the percentages of internal trips; this is not the case with Mountain House. When considering the percentage of work trips to jobs within five miles, the average for all communities jumped to almost 30 percent, with the percentages ranging generally from 20 to 40 percent. In the Market Constraint Scenario, 25 percent of the work trips (including internal trips) are projected to be five miles or less; this is well within the observed range. For the Proposed Project Scenario, 46 percent of the Mountain House work trips are projected to be under five miles long; this is above the range of observed percentages but exclusion of secondary workers would likely bring the projection closer to the observed values.

From this review, we believe the projections for Mountain House are realistic for the assumed land use mixes for each scenario although, for the Proposed Project Scenario, the projections are on the high end of the range of observed values. If the percent of internal work trips for the Proposed Project Scenario were reduced from 45 percent to 30 percent (an average value), total trips to and from the project site would increase by 10,000 daily vehicles, or about eight percent, in 2010. This increase would slightly reduce projected levels of service on access routes immediately adjacent to the project site, but would not likely be enough to increase lane requirements and would not significantly impact levels of service on the mainline freeways or other routes farther from the site.

The survey cited above concluded that housing affordability probably contributed to relatively low percentages of internal trips in some cases. Given the uncertainty in any model projections, the wide range of observed values elsewhere and the potential for housing affordability to constrain the percentage of internal trips, monitoring of the project's development and travel patterns has been recommended (Mitigation Measures 4.14-1(g) and 4.14-2(d)).

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<sup>7</sup>San Joaquin County Travel Model Development, Draft Final Report, DKS Associates, January, 1992. (Available from San Joaquin County Community Development Department)

<sup>8</sup>Access, Travel and Transportation in New Communities, Zehner, Robert B., 1977.



- D309 The establishment of LOS C is consistent with existing and proposed County standards; should these be modified by the County, the revised standards would logically apply to any subsequent plans.
- D310 The San Joaquin Valley Unified Air Pollution Control District has committed to adoption of an New and Modified Indirect Source rule, but the effectiveness or timing of such a rule is unknown. Given the history of delay involved in the adoption of the *1991 Air Quality Attainment Plan*, it may be several years before a districtwide indirect source rule is implemented. See response to D96 regarding pre-emption of the proposed mitigation rule by the adoption of a districtwide rule.
- D311 The wording of Mitigation Measure 4.15-3 on page 4.15-16 of the Draft EIR has been revised to provide greater flexibility in developing a dust control mitigation plan. The development of less expensive, less disruptive and/or innovative dust control techniques is to be promoted. The wording has also been modified to clarify that the dust control plan pertains to disturbed portions of the site only.
- D312 The proposed language changes regarding the use of water and dust suppressants and treatment of inactive portions of the site have been made on page 4.15-6 of the DEIR. The proposed wording change regarding vehicle speed control has not been made, however. The emission rate from vehicles on unpaved, treated, graveled, or any other non-paved surfaces is highly dependent on speed and speed control is an effective control measure regardless of what other controls are used.
- D313 We disagree that the exposure of residential development to outdoor noise levels between an  $L_{dn}$  of 60 and 65 dB would not be significant although current County standards do not regulate below 65 dB. Paragraph one on page 4.16-5 of the DEIR sets forth the significance criterion and the studies upon which it is based.
- D314 Comment noted. The Mitigation Measure 4.16-1(b) on page 4.16-9 has been revised to reflect the proposed language.
- D315 The language proposed by the commentor has been added to Impact 4.16-1 on page 4.16-6 of the DEIR to reflect this comment.
- D316 Mitigation Measure 4.16-4(a) has been revised.
- D317 Mitigation Measure 4.16-4(a) has been revised.
- D318 Comment noted.
- D319 According to CEQA Guidelines, the DEIR is required to consider the No Project Alternative. New text has been added to page 5-1 to reflect this comment.
- D320 As indicated on page 5-23 of the DEIR, the Tracy Alternative Site was selected for the purposes of providing a comparative environmental and fiscal analysis. The selected location could provide a logical extension of the Tracy city boundaries rather than developing a self-contained new community at a relatively short distance from an established municipality. Although many environmental impacts of the Tracy Alternative are similar to those of the proposed project, the proposed project at the Mountain House site would be associated with greater growth-inducing impacts than if the project were constructed at the Alternative Tracy site.
- D321 This alternative was also selected for comparative purposes. CEQA case law suggests that alternative sites should be analyzed in an EIR and that, when appropriate, alternative sites outside the lead agency's jurisdiction should be considered. Although development of the North Livermore site would

not have the same benefits for San Joaquin County, the North Livermore site may offer a benefit to the regional population by placing housing closer to the Bay Area job market and by reducing the loss of prime agricultural land.

- D322 Comment noted. It is not clear why the Redesigned Project Alternative would not attract new businesses or why the proposed housing mix would not be marketable.
- D323 As indicated on page 5-73, the Redesigned Project Alternative would generate about 15 percent fewer daily trips than the proposed project. In addition, the clustering concept, an integral part of the Redesigned Project Alternative, would encourage travel by walking and bicycling and would provide greater opportunity for service by public transit. These features would reduce potential noise, air, and traffic impacts of the proposed project.
- D324 The definition of "wasting" land area is unclear, especially because this acreage could be open space or agricultural. The housing mix of this alternative does include more medium-high and high-density housing. However, only four percent fewer low-density units are proposed.
- D325 It is feasible that one of the four village centers proposed in the Redesigned Project Alternative could also serve as a town center.
- D326 The Village Three Center in the Redesigned Project Alternative is not only the mixed use "island" but includes a commercial area south of the marina (see Figure 5.5-1). This village would be no less integrated with the community than that of the proposed project. Village Three contains a mixed use component that would be located on an island and connected to the main commercial center of the village by a minor arterial. The commentor is referred to Figure 5.5-1 in the DEIR.
- D327 The regional parkland proposed by the Redesigned Project Alternative would adjoin residential uses at the project site and would also, in part, adjoin the natural open space of Old River. This area could potentially provide recreational opportunities for project as well as regional inhabitants. The comment would seem to imply that Old River is not considered "an important open space feature."
- D328 The proposed corridors along the canals could serve the new population.
- D329 Office commercial uses could be included in areas designated for "Mixed Use," as stated on page 5-53, paragraph three.
- D330 The purpose of the Redesigned Project Alternative was to reduce some of the potential environmental impacts of the proposed project. The open space for buffers, easements, and parklands would mitigate potentially adverse impacts of adjacent land uses and also provide needed parkland.
- D331 The combination of neighborhood parks, regional parks, and other open space would provide adequate community park land.
- D332 No justification for this comment has been provided.
- D333 No justification is provided for this conclusion. In comment D332, the applicant states that the density is "unreasonably high." In terms of acreage, the Redesigned Project Alternative has more acreage left undeveloped. However, the proposed commercial acreage is 77 percent of the proposed project and the industrial acreage is 90 percent of the proposed project. It is possible that major employers would find the additional on-site open space an amenity.

- D334 This issue is addressed on page 5-64 of the DEIR.
- D335 As stated on page 5-56 of the DEIR, an on-site golf course could occur along Mountain House Creek.
- D336 The purpose of this DEIR is to evaluate the environmental impacts of the proposed project. It is beyond the scope of this DEIR to speculate on the possible future population growth in the County. The commentor is referred to the San Joaquin County General Plan and related EIR (San Joaquin County, 1991d).
- D337 Comment noted. New text has been added to page 5-5 of the DEIR to reflect this comment.
- D338 Comment noted.
- D339 Some of the objectives of the Reduced-Scale Project Alternative could be met under other project alternatives or by the implementation of mitigation measures under the proposed project. The Reduced-Scale Project Alternative was developed, however, to simultaneously meet all of the objectives stated on page 5-75. The impact analysis for the proposed project established the baseline for development of the Reduced-Scale Project Alternative. The reduction in scale proposed by this alternative is necessary to significantly reduce many potential impacts of the project.
- D340 The reasoning behind this comment is unclear. It is the objective of the California Department of Conservation to protect and preserve prime agricultural land. Consequently the Reduced-Scale Project Alternative includes the preservation of 1,980 acres of agricultural land. To both preserve agricultural land and minimize the potential for conflicts between urban uses and agricultural uses, agricultural areas have been generally located where existing barriers, such as major roads or railroad tracks, would provide a buffer from urban uses.
- D341 As indicated on page 5-81 of the DEIR, the proposed Agriculture-Urban Reserve would allow for continued agricultural uses until such time that the area would be converted to urban uses. This Agriculture-Urban Reserve area is considered an appropriate area for eventual urban uses, contiguous to development within the project boundaries.
- D342 As indicated on page 5-81, of the DEIR, a 361-acre regional park would be located along Old River and Mountain House Creek. This park would serve residents of the project site as well as County residents. The park would include boat access to Old River and approximately 5.5 miles of continuous pedestrian, bicycle, and horse trails along Old River and Mountain House Creek.
- D343 Under the Reduced-Scale Project Alternative, the areas north of Byron Road and south of Grant Line Road would be designated for agricultural use or as agricultural-urban reserve. Development of agricultural land should not occur under this alternative nor should infrastructure be planned beyond that needed for the identified community.
- D344 Comment noted.
- D345 Comment noted. This issue is addressed on page 5-87 of the DEIR.
- D346 Under the Reduced-Scale Project Alternative, the area north of Byron Road would 1) be designated for agricultural uses and would remain as part of the project site, or 2) would not be subject to rezoning or a General Plan amendment (the area would remain zoned for agricultural uses). In either case, this land could only be used for agricultural purposes. The best protection would be an agricultural land trust as part of the proposed project.



- D347 As stated on page 4.1-14 of the DEIR, the proposed project (as well as the alternatives) would not be needed to meet the market demand for residential development given the availability of land designated for residential use. Overall, this alternative is significantly reduced in acreage and density as compared to the proposed project.
- D348 Storage yards and lumber yards could occur in Limited Industrial areas.
- D349 Comment noted.
- D350 The DEIR does not state that the Tracy Alternative Site should necessarily be selected should the No Project Alternative be rejected. As stated on page 5-1, paragraph one, "the Reduced-Scale Project Alternative would be the environmentally superior alternative in addition to the No Project Alternative."
- D351 Comment noted.
- D352 The main issue of concern is whether or not Williamson Act lands would be taken out of contract, rather than how or when contracts would be removed.
- D353 Comment noted.
- D354 Comment noted. This comment strengthens the recommended mitigation measures for the proposed project for additional on-site regional parkland to take advantage of regionally-significant resources.
- D355 Comment noted. The potential for overdrafting groundwater is addressed on page 5-27, paragraph three.
- D356 Comment noted.
- D357 Comment noted.
- D358 Potential storm drainage impacts for the Tracy site are addressed on page 5-28 of the DEIR. Sedimentation cleanup responsibilities would not be significantly different from those of the proposed project.
- D359 Comment noted. No change in text would be necessary.
- D360 Comment noted.
- D361 Fiscal impacts for the Tracy Alternative Site are addressed on page 5-30 of the DEIR. As discussed, net revenue for the County would increase because the City of Tracy would be responsible for providing urban-type services.
- D362 There is no reason that the Tracy Alternative Site could not include village centers, similar to those of the proposed project, where high-density housing could occur. Refer to the top paragraph on page 5-33 regarding the potential for Tracy fees to be similar to the proposed project.
- D363 Table 5.1-2 provides an accurate summary for all the alternatives regarding public health and safety.
- D364 Comment noted. The reference to fish nursery areas is unclear.



- D365 Comment noted. A new sentence has been added on page 5-33 of the DEIR in response to this comment.
- D366 Refer to the response to D365.
- D367 This level of analysis was not necessary for the DEIR.
- D368 Comment noted.
- D369 A correction has been made to page 5-26, second paragraph, regarding park standards.
- D370 The actual reference should have been to Mitigation Measure 4.1-2(e). Refer to response to D208.
- D371 The potential for the project to require groundwater cannot be fully determined until after BBID annexation and after winter water rights are secured. Groundwater overdrafting is a regional and cumulative problem.
- D372 Refer to the response to D254.
- D373 No change in text would be necessary.
- D374 The General Plan requires that new towns "achieve a jobs-housing balance." This goal can best be achieved if development is carefully monitored throughout the buildout of the new community. However, it is recognized that a perfect employed resident-to-job ratio is impossible in five-year phase increments. Thus, the text of Mitigation Measure 4.11-1 has been revised accordingly.
- D375 Refer to the responses to D310 through D312.
- D376 Comment noted. The recommended mitigation measures for potential growth-inducing impacts would not need to be changed.
- D377 No change needed.
- D378 Table 7.1 has been revised to show PC (Prior to construction). It will be the responsibility of the monitor to evaluate the need for fencing and signage as the project progresses.
- D379 Comment noted. Additional neighborhood commercial areas should be specifically located and designed as part of subsequent plans.
- D380 Comment noted. At the time of preparing the DEIR, it was not known if one or several Specific Plans would be prepared for the project.
- D381 The timing of monitoring does not identify when fees are paid but when the fee system is adopted.
- D382 No change in text needed.
- D383 Refer to the response to D380.
- D384 Subsequent plans, specifically the Public Services and Facilities Plan (PSFP) will address water supply for the entire project area. If only a portion of the project area had to confirm its water supply, the overall viability of the project and total water demand for the new town would not be assured. It is critical for the water supply to be verified for the entire project so that all of the assumptions

regarding the housing/jobs balance and related traffic and air quality impacts are not thrown into question. While Specific Plans may be developed for portions of the project, some issues are critical to evaluate and confirm for the new town as a whole, which is why the PSFP is prepared on a communitywide basis. One such issue includes availability of water.

- D385 Due to the infrastructure planning that would be required as part of the PSF plan, the Hazardous Materials Business Plan would be appropriate at this stage. All the required information for the plan should be known at that time.
- D386 Refer to the response to D385.
- D387 Since a setback of any significant depth should be designated as Open Space (OS/O) on the General Plan land use diagram, it is appropriate to show this at the General Plan amendment stage.
- D388 Refer to the response to D254.
- D389 No change in text needed.
- D390 No change in text needed.
- D391 Text has been changed in Table 7.1 on page 7-28 for Mitigation Measure 4.8-3(e).
- D392 Text has been changed for Mitigation Measure 4.8-4(a) on page 7-28 of the DEIR.
- D393 Text has been changed so as not to mandate a ratio of one employed resident to one job. However, the phasing of this mitigation measure is critical to its success.
- D394 No change in text needed.
- D395 No change in text needed.
- D396 This timing would be understood without requiring changes to the text.
- D397 Refer to responses to D396 and D384.
- D398 Comment noted. No change in text necessary.
- D399 To be consistent with the Countywide Comprehensive Planning Program DEIR (San Joaquin County 1991d), minimum 500-foot buffers are recommended adjacent to agricultural lands. These agricultural buffers do not have to be designated at the General Plan amendment stage. However, the issue of agricultural buffers must be incorporated into subsequent plans. Either a minimum 500-foot buffer must be designated in all areas which will abut agricultural lands, or a combination of land use techniques that can mitigate to the same level, must be incorporated into these plans. Any alternative land uses, deed restrictions, etc., must be clearly specified and be capable of enforcement at all subsequent stages of development.
- D400 Adequate information has been provided to justify inclusion of this mitigation measure at the time of the General Plan Amendment although the actual mitigation will not be enforced until the Specific Plan stage.
- D401 Adequate information should be available at the time of the Specific Plan.

D402 Refer to the response to D401.

**D403 through D435**

These comments were submitted by the applicant and suggested changes in text to the Mitigation Monitoring Program identified in Chapter 7. The identified changes were not found to be necessary.

**Oral Comments on the Draft EIR Submitted to the County Planning Commission on 16 January 1992**

E1 Refer to the response to D49.

E2 Refer to the response to A1.

E3 See response to D261.

E4 The financial analysis indicates that the proposed capital improvements have the potential for being financially burdensome to Mountain House residents. However, the magnitude of the burden, and whether it affects project feasibility, are contingent upon the costs involved and the manner by which they are financed. Because the capital costs identified to date are approximations only, and because financing mechanism(s) have not been agreed upon by the applicant and the County, to draw any other conclusion would be inappropriate.

E5 The DEIR does not overstate the potential impacts of the project or the need for mitigation. Traffic increases of the Project relative to the No Project are shown in several figures and tables in the DEIR. As noted in the comment, these comparisons of the Project and No Project alternatives indicate that the projected increases are fairly specifically located and, in the case of the Proposed Project Scenario, there are projected reductions in traffic at a number of locations. However, comparisons to the No Project alternative are not indicative of the overall need for mitigation and, since significant portions of the projected traffic in these roadways are project-generated trips, the project should contribute its fair share of the costs of mitigation. The DEIR presents both the comparisons to the No Project alternative and the mitigation needed.

E6 The statements regarding consistency with policies related to protection of prime farmland (Section 4.2) would not need to be changed. Refer to the response to D211. The heading for Table 4.2-1 clearly states that the policies are from a draft document. Changing the language of the General Plan to create consistency with a project is not considered an appropriate mitigation measure. Refer to the response to D221. Refer to the responses to D210 through D224 regarding consistency with policies.

E7 Refer to response D295.

E8 Refer to responses D296 and D297.

E9 Refer to response D59.

E10 Refer to response A3.

E11 Refer to response D61.

E12 Refer to response D62.

E13 Refer to response D62.

- E14 Refer to response D63.
- E15 Refer to response B8.
- E16 The DEIR biologist is aware of the incident concerning the radio-collared kit fox to which the commentor is referring. This provides further evidence that on a given day of a given year, a San Joaquin kit fox may use the project site as a movement corridor. The suggestion for an adequate corridor preservation for this species is warranted. However, the spring study may provide further mitigation measures depending upon the results of the survey.
- E17 Comment is noted.
- E18 See response to C252.
- E19 Refer to responses to C208 and D130.
- E20 Section 4.11 of the DEIR notes that achieving a balance between jobs and housing at the project site may be very difficult.
- E21 The basis of this acreage is unclear and does not address the many factors that must be considered in defining a new town.
- E22 The pre-application is now addressed on page 4.1-14 and in Section 6.1 of the DEIR.
- E23 See response to C249.
- E24 Comment noted.
- E25 See response to C289.
- E26 Comment noted.
- E27 Comment noted.
- E28 Refer to response to C284.
- E29 Refer to the responses to C181 and C182.
- E30 This comment does not refer to the DEIR, but to development procedures that would be the responsibility of the County.
- E31 See response to D49.
- E32 This comment does not address the DEIR.
- E33 Comment noted. Changes have been made to Table 4.14-16 of the DEIR.
- E34 See response to C308.
- E35 See response to C320.
- E36 See responses to C311.



- E37 See response to C310.
- E38 See response to C323.
- E39 Mitigation measures are shown in Section 4.14 for each type of impact.
- E40 See response to C324.
- E41 Comment noted.
- E42 The model used was not the City of Tracy's fiscal model. Budgetary data supplied by the City of Tracy were used where appropriate for estimating urban-type expenditures, but the model applied in the fiscal analysis was created specifically for examining the fiscal implications of the Mountain House New Town.
- E43 Costs for police services, narcotics enforcement and technical support are projected on the basis of current Net County Costs (see the first table in Appendix 10.19 of the DEIR). Technical support services, for example, are represented by the Records/Evidence Net County Cost, which in fiscal year 1991-92 averaged \$12.8 per capita. This cost is incorporated in the fiscal analysis as a component of the countywide Law and Justice per capita multiplier of \$158.50, rather than in the separate Detectives line item used to estimate the cost for urban programs.

Narcotics enforcement (other than that which occurs through standard patrolling and response to service calls) had a zero Net County Cost because this program is financed with funds received through seized assets. This accounting relationship is assumed in the fiscal model to remain unchanged.

Our understanding is that the County Sheriff's Department does not provide youth services (other than those related to gang prevention) to the same extent as the City of Tracy; the fiscal analysis consequently assumes that this discretionary service is provided at the same level as occurs for the City of Lathrop, which receives police services through contract with the County. The cost for this service is reflected in the \$77,600 average cost per officer.

Law enforcement expenditures presented in the City of Tracy 1991-92 budget totaled \$126.5 per capita (assuming a city population of 35,750, per the state Department of Finance for 1/1/91), which is less than the \$128.1 multiplier used to project urban law enforcement expenditures in the fiscal impact analysis. As noted above, the latter multiplier is low in relation to the Tracy estimate because it excludes law enforcement services that are assumed to be provided at existing per capita service levels).

General Government administration costs (e.g., council minutes/records, personnel services, risk management, central services, accounting services) are incorporated in the fiscal model through the \$31.6 General Government per capita cost noted under Countywide programs. In essence, the fiscal model assumes that the County can utilize its economies of scale to keep these costs at their current per capita levels. See the first table in DEIR Appendix 10.19 for additional detail regarding the expenditures included in the General Government cost category.

- E44 All four of these items are presented in the fiscal impact analysis. Under the Road District line item of the fiscal model (see DEIR Appendix 10.19), road maintenance costs are assumed to average \$12,000 per road mile per year, which includes a sinking fund for pavement maintenance, as well as annualized expenditures for street sweeping and street tree maintenance. Building maintenance costs are included in the Capital Improvement and Maintenance line item in the fiscal model; the first

table of Appendix 10.19 indicates that this cost averaged \$8.50 per capita, which is slightly higher than the equivalent City of Tracy cost of \$7.84 per capita.

- E45 The fiscal impact analysis assumes that aquatics programs, as with other highly discretionary recreation programs, are self-financed through user fees, which is typical for many communities in California. The costs for community facility maintenance were not specifically included in the fiscal analysis because the proposed project description did not explicitly show the size or characteristics of such facilities, although community facility maintenance is considered to be included under the building maintenance costs noted in the response to E44. The cost for senior citizen programs was also not included because a number of cities do not provide this sort of service, which is also highly discretionary. If, however, aquatics programs and senior citizen programs were to be included in the DEIR fiscal analysis at the same level of net expenditure as experienced by the City of Tracy (totaling \$6.20 per capita) they would add approximately \$270,000 to General Fund expenditures at the time of proposed project buildout.
- E46 See response to C263. The confusion perhaps results from the commentor expecting all costs to be projected on a per capita basis. As the model presented in Appendix 10.19 shows, costs were projected using a variety of average- and marginal-costing techniques.
- E47 Expenditures for urban-type services were projected using data that reflect the actual experience of communities of similar size and locale.
- E48 Comment noted.
- E49 The financial analysis presented in the DEIR neither purports or otherwise states that a 10 percent builder fee is a "maximum threshold." Please refer to Section 4.10 of the DEIR for a discussion of financial feasibility.
- E50 Comment noted.
- E51 Transportation impacts were examined by the DEIR traffic consultant in Section 4.14 of the DEIR, which noted that 11th Street would require widening. Table 4.14-16 indicated that the cost of this widening would total approximately \$3 million. As noted in response to C29, 25 percent of this cost estimate was included in the financial section of the DEIR (Section 4.10). Mitigation Measure 4.14-4(a) notes that "(t)he project sponsor should contribute a proportionate share toward the cost of future improvements on 11th Street..."
- E52 Refer to the response to C245.
- E53 Comment noted.
- E54 Refer to Mitigation Measures 4.7-1(a) and 4.7-1(b).
- E55 The applicant's proposal to use the same amount of water to serve municipal and industrial users as the current agricultural users is addressed in the DEIR on page 4.4-8, in Impact and Mitigation Measure 4.4.1-3 on changing water use.
- E56 Comment noted.
- E57 Comment noted. Refer to Mitigation Measure 4.8-3(a) in the DIER.
- E58 This decision is the responsibility of the County.





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